JOURNAL

OF

COMPARATIVE LEGISLATION

AND

INTERNATIONAL LAW.

EDITED FOR

THE SOCIETY OF COMPARATIVE LEGISLATION

BY

SIR LYNDEN MACASSEY, K.B.E., K.C., LL.D.

AND

C. E. A. BEDWELL, Esq.

Let observation, with extensive view,
Survey mankind from China to Peru.
SAMUEL JOHNSON

THIRD SERIES. VOL. V., PART III.

LONDON:
SOCIETY OF COMPARATIVE LEGISLATION,
1, ELM COURT, TEMPLE, E.C.4.
1923.

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The annual subscription to the Society is one guinea.

Printed in Great Britain by Hazell, Watson & Viney, Ld.,
London and Aylesbury.

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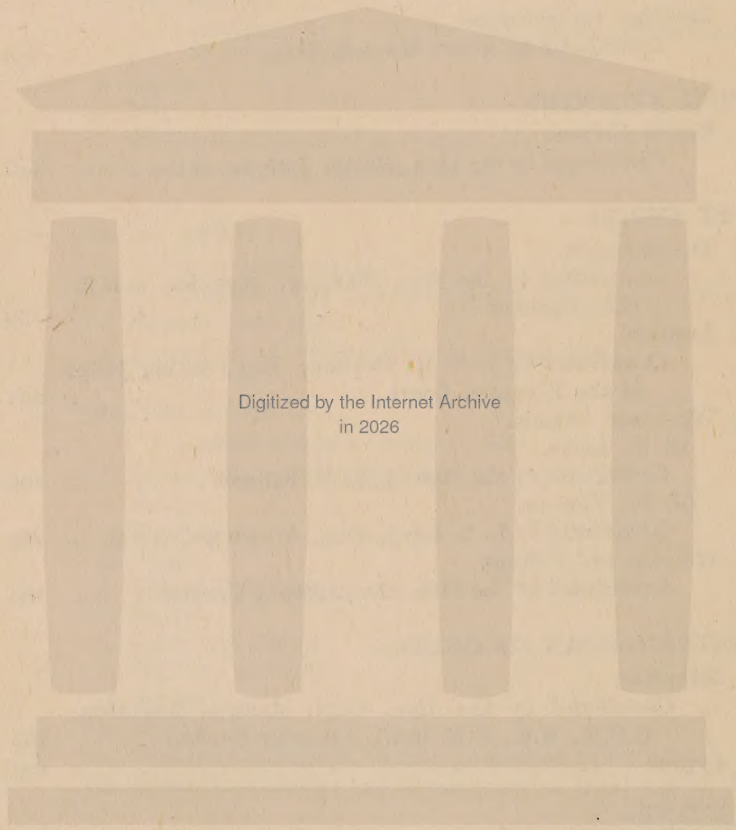

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Grants to the work of the Society are given by the Honourable Societies of Gray's Inn (£10 10s.), Lincoln's Inn (£21), the Middle Temple (£21), the Law Society (£21) and the Royal Colonial Institute (£5 5s.).

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The thanks of the Committee are offered to the following:

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[1] By an error, which is greatly regretted, the Summary of Zanzibar Legislation for 1920, contributed by Mr. Albert Manson, was attributed to another author.

STATEMENT OF ACCOUNT FOR 1922.

Receipts.

		£	s.	d.
To	Balance in hand at January 1, 1922	463	12	11
,,	Amount of arrears collected in 1922:			
	(*a*) Governments	15	15	0
	(*b*) Other than Governments	11	11	0
,,	Grants received from:	£	s.	d.
	Law Society	21	0	0
	Lincoln's Inn	21	0	0
	Middle Temple	21	0	0
	Gray's Inn	10	10	0
	Royal Colonial Institute	5	5	0
		78	15	0
,,	Subscriptions:			
	(*a*) Governments	241	10	2
	(*b*) Other than Governments	423	8	1
,,	Rent of Chambers, sub-let (3 quarters)	30	0	0
,,	Sales of *Journals*, including back numbers, reprints and portraits	58	10	10
,,	Interest on War Loan	7	10	0
,,	Subscriptions in advance	19	19	0
		£1,350	12	0

Expenditure.

		£	s.	d.
By	Hazell, Watson & Viney, Ld., Vol. iii, Pt. 4	201	5	10
,,	Hazell, Watson & Viney, Ld., Vol. iii, Pt. 4	29	10	6
,,	Hazell, Watson & Viney, Ld., Vol. iv, Pt. 1	145	15	8
,,	Hazell, Watson & Viney, Ld., Vol. iv, Pt. 2	130	18	4
,,	Hazell, Watson & Viney, Ld., Vol. iv, Pt. 3	129	16	9
,,	Clerk at rate of £132 p.a.	132	0	0
,,	Rent of Chambers (4 quarters) at £17 1*s*.	68	4	0
	A. W. Hoskins (Tax)	2	12	6
,,	Cleaning Chambers and office maintenance (gas, electric light, coal, etc.)	17	1	10
,,	Postage and petty cash	22	11	10½
,,	Printing and stationery	62	8	4
,,	Purchase of back numbers and reprints	7	4	4
,,	Telephone	10	0	2
,,	Bank charges, etc.	0	8	9
,,	Petty cash in hand at December 31, 1922	8	0	7½
,,	Balance in hand, December 31, 1922	382	12	6
		£1,350	12	0

REVIEW OF LEGISLATION, 1921

INTRODUCTION.

[*Contributed by* Sir Lynden Macassey, K.B.E., K.C., LL.D., *and* Cecil T. Carr, Esq., LL.D.]

Perhaps there was never a time when the legislative experiments of other countries could be studied with greater profit than they can to-day. Never before perhaps has a quickened civic consciousness been so intent upon progress and yet so painfully aware of the limitations to what can be effected by mere legislation. Here in our Journal is the record of what has at any rate been attempted. Here in their summaries of the enactments of 1921 our learned contributors are supplying what Sir Courtenay Ilbert has called the raw materials, the indispensable materials, of a branch of political science. They are performing this service not only for the professional lawyer, but also for all citizens of whatever class or occupation who are affected by, and ought to be interested in, contemporary law-making. For that service they have the grateful thanks of all our readers. Our contributors' names are given on p. xxv. A perusal of the list will show how often the story is being told by those who, since they are engaged in fashioning or interpreting the law, can tell it with peculiar authority.

In introducing to our readers these summaries of contemporary law, certain heads of legislative activity—taxation, children and the family, labour, land, transport, to name a few at random—are singled out and brought together in the hope that the process, though necessarily not exhaustively applied, may throw light here and there upon general tendencies. In 1921 the shadow of the great war had not yet moved away. Particular motives for law-making were, it is evident, the desire to settle down and to reconstruct post-war conditions, to supersede or abandon war-time controls and restrictions which had outlived their period, and to make provision for war veterans. If we may judge by the experience of the British Isles, the atmosphere was not unfavourable, for the patriotic sinking of party differences still inspired a spirit of reasonable compromise whereby a large measure of agreement was possible even on controversial matters ; on the other hand big schemes began to break down under the pressure of economy. One definite feature of the legislation of 1921 is the application of legal systems to changed areas. France legislates for Alsace-Lorraine, Italy for her new provinces, New Zealand for Western Samoa, while countries like Palestine afford a special opportunity. In this last case, as Mr. Bentwich points out, the Ottoman law was, on many important topics—company law,

for example, and banking—found either altogether wanting or seriously defective.

If these summaries of legislation may be treated as a pooling of experience, a clearing-house of legislative projects, they have particular value for the British Empire. It is not only that standard measures (such as those relating to air navigation or the registration of judgments) are continually enlarging their area of operation under an elastic system of reciprocal arrangements which in part makes good a natural lack of uniformity. In addition there is a frank borrowing. Acts of the Imperial Parliament at Westminster form the basis of similar legislation by overseas governments, while the home country in its turn follows—sometimes with a dignified absence of haste—where the Dominions have blazed the trail. In the field of social legislation especially, as we shall presently see, the overseas Dominions have outrun the legislature at Westminster, though doubtless in her own good time—whether it be over old-age pensions or marriage with a deceased wife's sister, or *legitimatio per subsequens matrimonium*, the Mother of Parliaments will be found willing to be persuaded by the example of her children. Our Society of Comparative Legislation, however, is by no means solely concerned with the British Empire. Its usefulness is immensely enhanced—as our summaries prove—by the welcome co-operation of the Argentine Republic, Chile, France, Holland, Italy and the United States of America.

Machinery for Law-making.—It is fashionable to decry the quality of recent legislative draftsmanship, which no doubt deteriorated in the haste and improvisation of the war period. Those who take interest in the work of what in England we call the Parliamentary Counsel's Office will note the latest efforts to improve the statute-book in various countries. Alberta, Mr. John D. Hunt informs us, is to have a Legislative Counsel to prepare Bills, revise statutes and perform such other duties as the Attorney-General or the Lieutenant-Governor in Council may direct (p. 18). The Compiler of Statutes in New Zealand, whose new office and duties were mentioned in this Introduction last year, has begun his labours ; the Acts passed by New Zealand in 1921, which form an unusually bulky volume, contain important examples of his valuable work. The Bahamas and Trinidad and Tobago are appointing Commissioners to prepare revised editions of their laws (pp. 159, 169). Jamaica, says Mr. J. E. R. Stephens, is taking similar action, having had no revision since 1888 (p. 161). Sierra Leone brings into force the final volume of her latest revision of statutes (p. 153). The Straits Settlements Statute Laws (Revised Edition) Operation Ordinance completes another solid performance ; the new edition represents the labours of the Committee appointed in 1910. The aim has been to secure, as Mr. de Mello points out, compendiousness of legislation and conciseness of terminology ; a new method of abbreviated citation is introduced (p. 144). Bombay has passed a useful Short Titles Act (p. 137). The United Kingdom made no progress with statute law revision in 1921, but, in default, can point to something accomplished by way of consolidation—in particular the model measures dealing with education in England and trusts in Scotland—and to the expurgation of obsolete militia enactments. Elsewhere many of the Dominions have done well with consolidation, but their statute-books can scarcely be in so discreditable a state of confusion as that of the mother country.

Constitutional Law and Machinery of Government.—Mr. V. Dawson's summary of Indian legislation (p. 133) displays the first efforts of the newly inaugurated legislatures set up by the 1919 Act. Two minor but material constitutional changes are the new scheme for rural self-government in Burma (p. 139) and the new system of municipal representation at Gibraltar (p. 170). The entertaining controversy between the federal and the States Governments in Australia, over the eligibility for the Commonwealth Parliament of persons who resign seats in a State Parliament, is carried a stage further by several Acts (pp. 70, 71, 93, 101). Tasmania has altered her electoral law (p. 90). In Alberta machinery is devised for taking a plebiscite on proposals for making new laws or amending old (p. 18).

The salaries of ministers are raised in South Australia, and those of Members of Parliament (fixed at £200 in 1887) are doubled (p. 79). Among new administrative departments Quebec is establishing a Bureau of Public Charities (p. 46). Western Australia is setting up an Official Trustee to look after and manage money which is under the control of the Supreme Court and the estates of insane persons. Saskatchewan has created a Bureau of Publications in its King's Printer's Department, to be charged with travelling libraries, the open shelf, and moving pictures for educational and other purposes (p. 48). A Straits Settlement Ordinance creates a Statistical Bureau on the lines of that instituted for the Federated Malay States in 1914 (p. 144). The regulation of the permanent personnel in Government service has not often figured in these reviews ; in the United Kingdom, for example, the Civil Service has mainly been regulated by prerogative orders. Tasmania, however, deals with her Public Service (p. 92), declaring *inter alia* the conditions on which candidates shall be admitted to its various branches, and providing that unfit officers may be placed on a Supernumerary List. Elsewhere provisions are made for pensions and superannuation, for example, at Quebec, where the Government is also authorized to take out "group insurance" policies on the lines of its public officers and employees (p. 44).

Children and the Family.—In the domain of social legislation, we have already stated, the progressive policy of certain overseas Dominions leaves the mother country far behind. Ontario, for example, having passed a Mothers' Allowances Act in 1920, has extended it in 1921 to various cases not previously covered (to mothers with husbands permanently disabled, and to grandmothers, sisters, aunts or foster-mothers having the care of two children), with a discretionary allowance in wider cases still (p. 42). Saskatchewan has turned its Mothers' Pensions Act into a Mothers' Allowances Act for a like purpose (p. 50). Ontario breaks new ground with a Parents' Maintenance Act (p. 42), placing upon son or daughter who has sufficient means the liability of supporting a dependent parent. Alberta goes further than this statutory implementing of the fifth commandment in the decalogue, for she insists that the husband, wife, father, mother and child of every old, blind, lame, mentally deficient or impotent person or of any other poor person who is not able to work, must provide maintenance (food, clothing, medical aid and lodging) for such person (p. 21). The same principle that people must do their duty by their family inspires legislation for varying the terms of a will which fails to make adequate provision for the testator's relatives (New Zealand, p. 115).

The removal of the stigma of illegitimacy from the children of parents who subsequently marry, has made further progress. If in 1921 the Imperial Parliament was still standing by the statute of Merton, wherein the earls and barons some seven centuries earlier made their historic declaration that they were unwilling to change the laws of England upon this point, many parts of the British Empire—as Mr. J. D. Falconbridge reminds us (p. 42)—have been less conservative. New Zealand now permits legitimation on the application of a mother where her husband and the father of her illegitimate child are dead (p. 118). Under Ontario's Children of Unmarried Parents Act special officers investigate cases of illegitimate birth and take proceedings before a judge to ascertain the facts and to compel either parent (or both) to maintain the child up to the age of sixteen (p. 42). Quebec allows institutions to entrust foundling children to individuals who undertake to care for them (p. 47). Ontario and Saskatchewan, and, on amended lines, Queensland, have provided procedure for the formal adoption of children (pp. 42, 50, 71), a subject dealt with in respect of New Zealand by Mr. D. Stanley Smith in a former issue of this Journal.[1] The Child Protection Act of South Africa prohibits the publication without the local magistrate's consent of advertisements offering to adopt children, and makes provision for the certification of "auxiliary homes." The South African system, now statutory, of Juvenile Advisory Boards is a noteworthy contribution towards the finding of suitable employment of children leaving their elementary school, and towards their supervision and general welfare when employed (p. 127). Western Australia has amended its State Children Act, which now deals afresh with the law of bastardy and affiliation as well as providing for official investigation and inquiry at all reasonable hours of the day or night at any theatre, place of amusement, shop or other place where children are employed (p. 101). Tasmania has been at work upon the same subject (p. 90). Saskatchewan has instituted a Bureau of Child Protection under a Commissioner who replaces the former Superintendent of Neglected and Dependent Children (p. 48), an office which seems to resemble that of the "supervisors of child and home" in Holland (p. 182).

In the field of marriage law, South Africa has legalized the marriage of a widow with a deceased husband's brother throughout the Union, a situation which Mr. E. L. Matthews says was formerly lawful only in the Orange Free State (p. 129). Here, for once, the British Isles come into our narrative with the Deceased Brother's Widow's Marriage Act (p. 1), a measure following precedents from overseas. New Zealand varied her divorce law in 1921 (p. 121). Ontario abolished the system of appointing private individuals as issuers of marriage licences. Jewellers, it appears, had specialized in this business, a doubling of trades comparable to that of the famous blacksmith at Gretna Green. An unusual point is reported by Mr. H. G. Garratt from British Columbia, where it had been found that on the death of a Lieutenant-Governor marriage licences could not be issued until his successor took up office (p. 32). Saskatchewan has new legislation as to marriage settlements (p. 49) and the Isle of Man as to married women's property (p. 14).

Public Health.—The social conscience in matters of public health has not been dormant. Newfoundland, Western Australia and Trinidad

[1] See *Journal of Comparative Legislation*, Third Series, vol. iii, pt. iv, p. 165.

and Tobago tackle the difficult subject of venereal disease (pp. 56, 105, 169). In India the City of Bombay receives powers to secure the cleanliness of hair-dressing saloons (p. 137). Victoria and Saskatchewan deal with mental disease ; the latter State has also revised its Administrator of Lunatics' Estates Act by substituting the gentler expression " mentally incompetent " for such words as " lunatic " and " insane " (pp. 50–1, 99). Alberta makes a government grant of 50 cents per day for every person treated in a hospital, with an extra allowance where specialist treatment is provided for tuberculosis and certain other diseases. The local authority of the district wherein the patient lives pays the public ward charge within specified limits, collecting it from the patient if possible ; local authorities can contract with hospitals for the treatment of residents at an annual sum (p. 12). In Manitoba, as Mr. E. H. Crawford explains, there is machinery for municipal hospitals with a levy of not more than two mills to the dollar (p. 39).

Housing.—Not only in England and Scotland (pp. 9, 12), where *inter alia* the building subsidy period was extended, but also overseas, where the claims of war veterans were not overlooked, the subject of housing continued to engross the attention of legislators. South Australia extends the benefits of her Soldiers' Homes Scheme to all Australian soldiers, sailors, nurses and war-workers, irrespective of service overseas (p. 87). Queensland directs that land on coal-fields be set apart for miners' homesteads (p. 73). New Zealand increases the maximum price at which dwellings may be disposed of, removes the statutory distinction between soldiers and civilians with respect to the recovery of tenements, and states the grounds on which possession may be given in terms which recall the English Rent Restriction Act problems (p. 120). Mr. Llewellyn Kneale observes that this kind of legislation has given considerable trouble in the Isle of Man (p. 13). A Town Planning Ordinance, based on English and Indian precedents, is to have its chance in Palestine (p. 172).

Land.—Real property law has undergone modifications in British Columbia which will interest English reformers. Estates tail are now prohibited, for example, and real estate vests on death in the personal representatives in every case except survivorship, those representatives becoming trustees for persons beneficially interested (p. 31). Alberta and Newfoundland deal with the law of land titles (pp. 25, 27). Quebec places public lands classified as suitable for cultivation at the disposal of the Minister of Colonization, the buyer to clear and cultivate in one block at least thirty in every hundred acres, and to clear at least three acres a year (p. 45). In encouraging settlement upon Crown lands Victoria makes special provision as to " mountainous lands " and land available for selection by applicants from Great Britain and Ireland or any part of the British Dominions (p. 96). Bombay deals with land acquisition (p. 136). A remarkable Ordinance as to marine frontage rights at Hong Kong arises out of the fact that, if a city is formed at the foot of a precipitous peak rising out of the sea, it can develop only by terracing the peak or reclaiming the foreshore. Mr. Alabaster compares the claims of the " marine lot " owners to the claims of rights to ancient lights (p. 142).

Transport.—The main outlines of the Railways Act of Great Britain have already been discussed in this Journal.[1] France too, as Mr.

[1] See *Journal of Comparative Legislation*, Third Series, vol. iv, pt. iv, p. 162.

Bodington shows, has established a new railway régime with a common organization, but without re-grouping (p. 182), and Italy has various new railway measures (p. 184), while an Act of South Australia illustrates a phase of State management (p. 78). The new French "Code of the Road" (p. 182) is something of which England, with her labyrinth of Highway Acts, Roads Act, Locomotives Acts and Ministry of Transport regulations, may well envy the clearness. Provisions for improving roads and ensuring the public safety are contained in a Highways Act of the Isle of Man (p. 16). Victoria is prohibiting (and retrospectively, too) the erection of advertisements on any main road or rock, cliff, cutting, tree, post, bridge or structure on a main road under the control of its County Roads Board (p. 96). South Australia deals with the licensing, speed limits, identification and lighting of motor vehicles. Side-cars must be attached only to the left side of motor-cycles; "pillion-riding" on motor-cycles is regulated; joy-riding, i.e. the unauthorized use of other people's motor-cars, horses or horse-drawn vehicles, is made a special offence (pp. 82, 83).

Labour.—"Cost of living" problems received fresh attention in 1921. The 1920 Industrial Code of South Australia directed the Board of Industry to review and declare the "living wage" at not more frequent intervals than one year. The fall in prices made these periods too long, and a more frequent review is now possible every six months. Mr. Hannan gives us the statutory definition of "living wage" (p. 88) as well as describing the progress of the control of prices. In New Zealand the Court of Arbitration can take into account the fall in the cost of living and other relevant facts and can reduce rates of wages fixed by awards or industrial agreements (pp. 108, 121).

Important contributions to the machinery for settling disputes are to be found in the conciliation scheme in the Railways Act of Great Britain already mentioned. Quebec produces a fresh example of compulsory arbitration in relation to municipal strikes and lock-outs (p. 45). Disputes between employers and employees concerning prices for work or the dismissal of employees on account of their membership of a labour union, must be submitted to a board of arbitrators on the application of either side. There are penalties for employers who lock out their men, employees who strike, and third parties who encourage either side to persist in its unlawful attitude. The Commonwealth of Australia enacts that agreements certified and filed under statute and awards are to bind the successors to the parties (p. 69).

In the field of workmen's compensation Queensland has further developed its system of compulsory insurance policies with a State Office, a point not yet approached in the United Kingdom though considered by the Departmental Committee presided over by Mr. Holman Gregory at the end of the war. Amendments of workmen's compensation of more limited scope were made by Alberta (p. 25). Developments in the technical education of apprentices in South Australia will repay study (p. 79). British Columbia has enacted a group of provisions restricting the employment of women and children (p. 34), their operation being contingent on the bringing into force of similar Acts by other Provinces of Canada.

Fresh public holidays are instituted in various countries, December 12, the anniversary of the discovery of America, in Chile, Armistice Day in Bermuda and Anzac Day (April 25) in Queensland, while the Isle

of Man makes a generous new list of Bank Holidays amounting to ten in all (pp. 15, 59, 72, 179).

Professional Regulation.—The Legal Profession Act of Alberta (p. 18) gives benchers power to appoint a discipline committee to deal with written charges or complaints, and to suspend offenders or strike them off the rolls. The bar is also dealt with by Quebec (p. 47), where certain offences are prohibited under sentence of two years outlawing, and where cases against defaulting lawyers are to have precedence. The idea of regulating a calling or profession by means of compulsory registration is increasingly popular. Prince Edward Island insists on the registration of fire insurance agents (p. 43), Alberta and Western Australia on that of nurses (pp. 23, 106), and Alberta also on that of veterinary surgeons (p. 26). The United Kingdom has tightened up its system of registration of dentists so as to restrict the operations of quacks and incompetents (p. 10). Dentists must also be registered in New Zealand, architects in Western Australia and land agents in both those countries. Manitoba applies this method of registration and licensing also to dealers in foreign exchange, and to steamship agencies (p. 36). British Columbia prohibits the "practice of optometry" (i.e. the medical examination of the eye, prescription of glasses, etc.) except by properly certificated practitioners (p. 33). Western Australia has made fresh provision for the annual licensing of auctioneers, Manitoba for that of milk and cream testers, and Palestine for the licensing of surveyors, pharmacists, and notaries public (pp. 38, 105, 176–7).

Any standardization of professional qualifications facilitates the reciprocal recognition of external standards. In this direction South Australia is empowering its Medical Board to come to an arrangement with the General Council of Medical Education of Great Britain (p. 77). Elsewhere Prince Edward Island offers reciprocity in the admission of barristers, attorneys and solicitors (p. 43). In the Union of South Africa the admission of advocates from outside will in future be limited by the necessity of their passing examinations in Roman-Dutch law and in the statute law of the Union (p. 129).

Taxation and Finance.—The year 1921 sees the first of the Indian Finance Acts under the new régime. Across the Atlantic the United States adopt a new national budget system with an independent audit of Government finance (p. 186), while at home the Exchequer and Audit Departments Act modernizes the examination of departmental accounts (p. 4).

Two of the most important taxing measures are the big Customs Acts of Australia and New Zealand, described for us by Sir Robert Garran and Mr. Christie. These, like the similar Newfoundland Act, include "dumping duties" (pp. 58, 62, 110) which are by no means simple to enact. We can compare therewith the more cautious but not less contentious sections of the Safeguarding of Industries Act passed by the United Kingdom Parliament (p. 2). Income tax makes its unwelcome presence felt in many lands. Amongst novel features are the exemptions allowed by Newfoundland to the Governor, to Supreme Court judges and to clergymen. Newfoundland also taxes banks at ½ per cent. annually on deposits, and exacts 5 per cent. on insurance companies' premiums (p. 58). South Africa makes special income-tax provisions for farmers and for companies which evade tax (p. 125). Victoria allows the deduction of medical and burial expenses (p. 95).

The United States allow the taxpayer to declare separately his net gain on sales and exchanges of capital assets, and to pay a flat tax of 12½ per cent. thereon in lieu of normal tax and surtax otherwise payable (p. 184).

Amusements taxation is increased and extended in New Zealand (p. 113). In Manitoba the owners of places of amusement collect the tax on Commission, and the proprietors of billiard halls and bowling alleys are penalized if patrons do not pay up before leaving. The arrangements for taxing and licensing bookmakers and totalizators in Australia and the Transvaal (pp. 81, 130, etc.) have a special interest in other countries which would fain lose no chance of increasing national revenues. Perhaps the most striking financial experiment is that of the City of Paris, which places a retrospective tax on servants (including tutors and governesses) and on pianos (p. 181). Alberta adopts a direct, if uncertain, method of educational endowment by directing that on intestacy, if there is no claim from heir or next of kin within six years, the estate shall go to the University of Alberta (p. 21). Unclaimed trust moneys receive attention in Transvaal (p. 93).

Judicial.—Though lawyers are a conservative race, there are several changes in 1921 which affect courts and procedure. The Isle of Man has set up a Court of Criminal Appeal, and has transferred the jurisdiction in affiliation proceedings from the Ecclesiastical Courts to the High Bailiffs or chief magistrates (pp. 13, 14). Queensland has modified both her Supreme Court and her Small Debts Court (pp. 72, 74); Western Australia sets up Courts of Session (p. 103); Jamaica and British Guiana make minor changes (pp. 158, 161). The Land Acquisition (Amendment) Act of India provides for appeals, access to the Privy Council being reserved (p. 136). Saskatchewan accepts the jurisdiction of the Exchequer Court of Canada in controversies between that Province and the Dominion or any other Province which has passed a similar Act (p. 49).

South Australia, amongst other countries, has equipped herself with fresh legal procedure (p. 80). In England the useful, if rather intricate, Tribunal of Inquiry (Evidence) Act permits the setting up, on resolution of both Houses of Parliament, of a tribunal for investigating any "definite matter described in the resolution as of urgent public importance." The tribunal is armed with various judicial powers for enforcing the attendance of witnesses and the production of documents (p. 10). Similar provision is made elsewhere, while Ontario protects commissioners who are conducting an inquiry from actions to restrain or interfere with their labours (p. 41). Quebec makes new procedure for examining witnesses in cases pending outside the Province (p. 47). Ontario arranges for the appointment of women magistrates in large cities (p. 41). The experiences of South Australia in removing sex disqualification are interesting (p. 89). Apparently women are not yet eligible there for jury service as they are in England. Nor does Alberta exact this civic duty from them unless they have first signed a document signifying willingness to serve (p. 20).

Commercial Law.—Saskatchewan has new legislation on warehousemen's liens. It follows, says Mr. R. W. Shannon, the form approved by the Commissioners on Uniformity of Legislation in Canada (p. 51). The same subject is dealt with by Alberta, where, more generally, every person has a particular lien for payment of his debt on any chattel on

which he has spent money, labour or skill at the owner's request (p. 20). Solicitors in British Columbia get a statutory charge for their costs and expenses on property which they have recovered or preserved (p. 34).

Queensland has a Second-hand Wares Act which requires collectors and dealers to be licensed (p. 73). Quebec deals with the sale by auction (subject to preliminary advertisements and notices) of all objects sent to jewellers for repair or alteration and unclaimed within three years (p. 48). Where goods are stolen from ships or wharves in Western Australia, the production of shipping documents is allowed to facilitate proof of ownership (p. 102). India not only deals with carriers' liability, but also with negotiable instruments, excusing delay in the presentment of the latter for acceptance where the delay is outside the holder's control and not imputable to default or negligence (p. 135). The Sale of Goods Act, 1893, is partly adopted in Zanzibar (p. 155), and the English principle of innkeeper's liability finds its way into the Straits Settlements (p. 143).

Criminal Law.—Among fresh developments in criminal law South Australia has created three new offences. One is that of "joy-riding" in other people's motor-cars, which we have already mentioned; another is "offensive behaviour"; a third is that of being found in dwellings or other specified places of a private character without lawful excuse. Mr. Hannan's explanation of the origin of these (p. 84) should be studied. The same country has increased various penalties, and is aiming at the surer punishment of abortionists by means of an improved search warrant. Within a limited range of crimes a policeman may arrest suspects without warrant, may demand names and addresses and may require evidence of their genuineness.

Boxing and wrestling exhibitions are being regulated in Manitoba by a system of licensing, boxers and wrestlers forbidden to appear unless certified medically fit; Manitoba is also establishing a form of film censorship (pp. 35, 39). Burma is penalizing brothel-keeping and gaming, but exempts from its Gambling Act authorized enclosures on race-courses used for betting on horses on the day the race is run (p. 139). While England's legal attitude towards sweepstakes seems to permit strange anomalies, Newfoundland frankly allows lotteries to be held for charitable, social, educational or other similar purposes under licence granted by a stipendiary magistrate (p. 57). South Australia has another striking piece of legislation about betting, including a section which says that if the evidence for the prosecution produces in the mind of the court a reasonable suspicion that the defendant is guilty, that evidence is prima facie evidence of guilt (p. 81). In Tasmania sporting clubs may give notice to anyone suspected of being a bookmaker warning him off sports grounds, non-compliance with the notice being punishable with £50 fine or a month in prison (p. 93).

In more than one part of the world fresh provision is made for deportation of undesirables and for official secrets, enactments to minimize dangers to national existence. Federal legislation in the United States of America gives protection against seditious and disloyal acts, such as circulating false reports with intent to interfere with naval or military operations or to promote the success of enemies (p. 185). New Zealand, it may be added, insists on school teachers taking the oath of allegiance or, if they are subjects of foreign powers, an oath of obedience to the law (p. 114). On the other hand, India has relaxed its penalty of auto-

matic forfeiture of property in case of conviction for causing war against the State, a fine being substituted (p. 136). Various martial law ordinances were issued in 1921 under section 72 of the Government of India Act, and Bombay has dealt with unlawful assemblies (pp. 137, 140).

In criminal procedure Jamaica has improved its law of indictments (p. 162), and Bermuda has legislated as to police prosecutions (p. 58). As for punishments, the Argentine Republic has abolished the death penalty (p. 178). Tasmania allows a judge to declare a convicted person to be an habitual criminal, and to order his detention in a reformatory prison, whence he may be released on parole (p. 90). The Prevention of Crimes and Collective Responsibility for Crime Ordinances in Palestine are important (p. 175).

Prevention of Cruelty to Animals, etc.—The British measures against rabbit-coursing in enclosed fields, against pigeon-shooting and against the mutilation of birds for the sake of plumage (p. 11) have their counterpart in a South Australian Act which extends "ill-treatment" of an animal to cover unreasonable, wanton or malicious neglect, and which also includes under "ill-treatment" the excessive docking of horses' tails (p. 84). In consolidating its law of animals and game protection, New Zealand has interesting provisions as to the constitution and powers of "acclimatization societies," i.e. voluntary associations for the protection of indigenous birds and animals and for controlling the issue of game licences. Can this idea be developed in England, where our wild Birds' Protection legislation, passed with the best intentions, remains a dead letter? The creation of sanctuaries is encouraged in the consolidation of the Animals and Birds Acts of Queensland, where it is an offence to take or destroy birds' eggs, though permission may be obtained to collect them for scientific purposes (p. 71). Sanctuaries for wild life are also arranged for in the Federated Malay States, with special protection for deer, big game and rare birds (p. 146). The Transvaal has a Fish Preservation Ordinance (p. 131), and Manitoba a Sheep Protection Act (p. 40).

Intoxicating Liquor.—Legislation about alcohol is so controversial a matter that the United Kingdom did well to pass as an agreed measure the Licensing Act of 1921. Its system of "permitted hours" for the supply of liquor allows local variations which may seem a little fanciful when liquor can be bought on one side of a London street and not on the other; the Act, however, is a sensible compromise which excuses anomalies. Elsewhere there are echoes of the prohibition campaign. Alberta has significant provisions as to the prescription of liquor by physicians and the sale of liquor by chemists (p. 18); British Columbia replaces its Prohibition Act by Government control, a system for which the electorate voted by referendum in 1920 (p. 34); Quebec sets up a Commission incorporated to buy and sell alcohol, to control possession, sale and delivery, and to grant, refuse and cancel permits for sale (p. 44). Bermuda deals with liquor licensing, and in another Act prohibits the carrying of intoxicating liquor on merchant ships bound for the United States unless such liquor is shipped on a bill of lading or as ships' stores. Sir Reginald Gray has an interesting explanation of the genesis of this law (p. 59). The territorial field of the National Prohibition Act of the United States is defined to extend to all territory subject to United States jurisdiction (p. 187).

Miscellaneous.—We have left ourselves no space in which to speak

of legislation on other topics such as education or merchant shipping—for example, the important Navigation Act of Australia. There remains a vast mass of enactments from which each reader will disentangle the particular points which interest him individually. Some of the legislation, indeed, is of limited application, for it is inspired by exceptional conditions such as climate or natural phenomena. Thus the rabbit pest makes work for legislators in Tasmania, and the sparrow pest for those in South Australia (pp. 78, 92); earthquakes and hurricanes induce Jamaica to set up a fire insurance fund (p. 162), just as Alberta has occasion to devise her system of municipal hail insurance (p. 23). Pioneer Governments have their peculiar problems. A title like the "Golden Stool of Ashanti (Detention and Deportation of Desecrators) Ordinance" is a romance of itself. Such enactments, however, are exceptional. Most of the Acts of which our contributors' summaries make mention deal with subjects of general interest. We can pause over them and wonder how they would suit our own country. If bicycles are compulsorily registered in Bermuda to make theft easier to detect, why, we can ask ourselves, have we never taken this step in England? Or again, if in Alberta a Registration of Names of Homes Act gives the citizen a kind of copyright in his address, we can speculate upon what our own Parliament would think of such a proposal. The more varied they are, the more these legislative experiments indicate the wealth of our material. In our annual reviews of legislation we have the chance to study the tendencies and characteristics of modern democracies. The rare and restrained comments of our contributors are invaluable. Professor Mario Sarfatti says of Italy in 1921, "one can see a steady general adjustment, preparatory to a more organic legislation, foreshadowing a definite financial and political settlement of the country." It is what every country would wish said of itself in these difficult post-war years. Extraordinary war legislation, writes Mr. Valentine Worthington, is "by no means typical of, or justification for, similar Governmental supervision in times of peace." With this opinion of the American Bar Association there will be general agreement, though perhaps we are hardly yet far enough from those tragic years to see them in perspective. The legislation of 1921 meant both sweeping and garnishing. Let us hope that the next generation will consider that what we cast away was valueless, and what we kept was good.

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D.]

PARLIAMENT passed 67 public general Acts during 1921. The year had its special problems for legislators. Unemployment called for alleviation. Financial stringency retarded or reversed ambitious plans of reconstruction. The transition from war to peace conditions made progress, if sometimes in syncopated time. The industries of mining and agriculture were decontrolled with something of a jerk. The railways were handed back to the companies after all. The Ministries of Munitions and Shipping were ended and the Liquor Control Board abolished. At last (on August 31, 1921) the official termination of the war was permitted to occur. The proclamation which fixed this date signalled the overdue departure of a long train of temporary laws and regulations.

If there was sweeping, there was garnishing too. The Coalition Government could still rely upon a substantial majority. The spirit of mutual forbearance achieved some notable successes in controversial fields. The Licensing Act was an agreed measure. The Church of Scotland Act bore witness to the co-operation of men of good-will. The Deceased Brother's Widow's Marriage Act (c. 24) had a far less stormy passage than the Deceased Wife's Sister's Marriage Act of 1907. Unanimity, however, did not extend to the acceptance of proposals for divorce law amendment, nor did the reform of the second chamber make more progress than a mention in the King's Speech. At the end of 1921 the "articles of agreement for a treaty between Great Britain and Ireland" were signed; but the legislation to which they led falls into the following year.

Improvement of the Statute Book.—More than 60 temporary Acts are automatically rescinded by the technical termination of the war. The expurgation of the obsolete militia enactments and the passing of three measures of consolidation (dealing with police pensions, with education in England and with trusts in Scotland) sweep another 60 Acts out of the Statute Book. Though Local Acts are outside our purview, Liverpool deserves honourable mention for setting its local legislation in order by a consolidating Act (c. lxxiv) which replaces some 230 statutes and orders of various dates from 1709.

Imperial and Foreign.—The Overseas Trade (Credits and Insurance) Act of 1920 had empowered the Board of Trade to grant credits and undertake insurance with a view to stimulating exports to certain scheduled countries on the continent of Europe. Amending Acts of 1921 (cc. 26

and 65) extend the period for guaranteeing export transactions and remove the limitations as to country.

There was little legislation affecting the overseas dominions. The Indian Divorces (Validity) Act (c. 18) arises out of the decision in the test case of Keyes *v.* Keyes and Gray (L.R., [1921] P. 204), discussed by Professor Berriedale Keith in this *Journal* in October 1921 (at p. 312). A Territorial officer, married in Calcutta in 1916, obtained a divorce in the Punjab High Court two years later. The Divorce Court in England held that the Punjab decree was invalid because the Indian Courts had been given no jurisdiction over subjects of the Crown not domiciled in British India. This decision impugned the validity of other Indian divorces *in simili casu*, thus casting doubt on the legitimacy of the children of second marriages. The 1921 Act gives retrospective validity to such divorces.[1]

In the field of foreign affairs the Treaty of Peace (Hungary) Act (c. 11) authorizes the familiar procedure of Orders in Council to carry out the treaty signed at Trianon on June 4, 1920. The German Reparation (Recovery) Act (c. 5) seeks to intercept a part of the purchase price of imported German goods and apply it to discharge the obligations of Germany under the Treaty of Versailles. The importer is to pay the customs authorities "such proportion of the value of the goods, not exceeding 50 per cent., as the Treasury may from time to time determine." The value of the goods is determinable somewhat on the lines of the new import duties provisions of 1915. The High Court can vary, suspend or annul any contract affected. The Act applies to goods first consigned from Germany to the United Kingdom or goods manufactured in Germany except where 25 per cent. or more of the value is attributable to processes undergone after the goods left Germany. It is a measure which requires elastic machinery and therefore delegates considerable powers to the Board of Trade. On the recommendation of an expert committee the Board can exempt articles altogether, can make orders reducing the proportion of the value appropriated and can make other variations of the Act. These orders are to be gazetted and published in the manner "best adapted for informing persons affected thereby." On resolution of both Houses of Parliament the Act may by Order in Council be either repealed or suspended for a definite or indefinite period. Similar provisions were said to be already in force in Newfoundland, and in France, Rumania and Serbia, and to be contemplated in other allied countries.

Foreign trade is subjected to further customs duties by the Safeguarding of Industries Act (c. 47). The Economic Conference held at Paris in June 1916 had made recommendations. A committee presided over by Lord Balfour of Burleigh had made reports. An Imports and Exports Regulation Bill had been introduced in 1919 and a Protection of Industries Bill in 1920, but hitherto the Dye-stuffs Act of 1920 was the sole contribution to a post-war problem which aroused pre-war controversies. The Safeguarding of Industries Act of 1921 is in two parts. The first, labelled "Safeguarding of Key Industries," and limited to five years' duration, imposes a duty of one-third of their value on certain scheduled goods imported into the United Kingdom unless produced in or consigned from some part of the British Empire. The scheduled

[1] A similar Act was passed in 1922 for Kenya divorces, and an analogous difficulty over domicile had been dealt with by the Temporary Matrimonial Causes (Dominions Troops) Act of 1919.

goods include optical glasses, scientific instruments, tungsten and various chemicals.

For the purpose of preventing disputes arising as to whether any goods are or are not any goods chargeable with duty under this Part of the Act, the Board may from time to time issue lists defining the articles which are to be taken as falling under any of the general descriptions set out in the said Schedule, and where any list is so issued . . . the said Schedule shall have effect as if the articles comprised in the list were therein substituted for that general description. . . . [s. 1 (5).]

Every such list is to be gazetted, and, on objection within three months, complaints as to the inclusion or exclusion of articles may be referred to arbitration.

Part II of the Act ("Prevention of Dumping") imposes a similar customs duty upon any goods to which the Board of Trade, after obtaining the report of a committee of experts, may apply this Part of the Act. These may be goods of any class (except articles of food or drink) sold below the "cost of production"—a term requiring careful definition—or

at prices which, by reason of depreciation in the value in relation of sterling of the currency of the country in which the goods are manufactured, not being a country within His Majesty's Dominions, are below the prices at which similar goods can be profitably manufactured in the United Kingdom.

It is stipulated that no order shall be made unless the corresponding industry in this country is working "with reasonable efficiency and industry." Orders have first to be laid in draft before the House of Commons and have then to be approved by resolution of the House. If Parliament is not sitting (as happened with the 1922 order about mantles for incandescent lighting) the order is to be laid as soon as Parliament reassembles; it will cease to operate a month after that date unless meanwhile continued by resolution. The orders are to last three years, unless renewed by further order; the Board is not to revoke an order without consulting the committee: orders based on depreciation of foreign currency are not to be made or continue after three years from the passing of the Act.

On August 12 the Speaker certified these provisions to be a Money Bill within s. 1 of the Parliament Act of 1911. The Lords nevertheless made two amendments. The Commons, after an instructive little debate on August 18, disagreed with these as a breach of their ancient privileges, and on the same day the Lords, after protest, accepted the situation.

The Fighting Services.—Under the Territorial Army and Militia Act (c. 37) the Territorial Force, created in 1907, becomes, in recognition of its war record and of its theoretically complete equipment with all the different arms, the Territorial Army. The Special Reserve, designed to provide drafts to the Regular Army in war-time, is renamed the Militia. The old militia ballot, no longer equal to modern conditions, is at last swept away, and the old Yeomanry Acts are repealed.

The Army and Air Force (Annual) Act (c. 9) makes few changes. By an amendment of s. 180 (2) (*d*) of the Army Act aggrieved officers of the Indian Army, whose complaints could formerly not be carried beyond the Viceroy, have their right of appeal to His Majesty recognized. The maximum fines for drunkenness are increased, and the billeting arrange-

ments are modified, the bread ration being reduced and the pint of beer taken away.

The Admiralty Pensions Act (c. 39) gives the Admiralty the power (already accorded to the War Office, Air Force and Pensions Ministry) of commuting pensions. Power is also given to restore a pension forfeited under the Forfeiture Act of 1870, or, where the pensioner is in prison, to hand it over for the benefit of wife and family. The War Pensions Act (c. 49) simplifies the working of a pension list stated to contain some 3,500,000 beneficiaries. The former local committees, which could spend public money without adequate public control, become advisory rather than executive. The number of areas is reduced, the system is reorganized under a new set of war pensions committees with various duties defined partly by statute partly by regulations. The Act fixes a time-limit for preferring original claims for pensions. It also provides for final awards (to avoid incessant medical inspections), and for commutation of pensions.

Finance.—The Finance Act of 1921 (c. 32) adjusts the load of taxation in various ways. The excess profits duty and the excess mineral rights duty are abolished. Exemption from income-tax is conceded in respect of lands owned and occupied by charities, profits of trades carried on by the beneficiaries of charities, sewers, approved superannuation funds and the income of special and supplementary schemes under the Unemployment Insurance Act. The property of persons killed while serving during the Irish disorders is relieved from death duties as if those persons had been killed in the war; relief is also extended to objects of national, scientific, historic and artistic interest if sold to the National Gallery, British Museum or similar public institutions. An amendment exempting the profits of co-operative societies from corporation profits tax was carried against, and accepted by, the Government. Exemption from entertainments duty is extended to the exhibitions of societies for promoting agriculture, public health and manufactures, and to the entertainments of certain organizations for providing social or physical training for children. Under other sections of the Finance Act holders of certain Government securities are given the right to require income-tax to be deducted before payment of interest; in proceedings for summary recovery of income-tax a written statement by the employer is made *prima facie* evidence of the payment of wages; provision is made for obtaining information where documents relating to death duties are lost, destroyed or damaged; and the use of false weights and scales in connexion with Customs and Excise is dealt with afresh.

The Exchequer and Audit Departments Act (c. 52) modernizes an inelastic procedure which, except for an Act of 1889 relating to the shipbuilding and manufacturing accounts of the Army and Navy, had not been altered since the Act of 1866. The 1921 Act owes much to the valuable recommendations and the draft clauses suggested in the report of a recent committee [Cmd. 1383]. The Comptroller and Auditor-General, who examines accounts on behalf of the House of Commons, is given a discretion to make test audits of the appropriation accounts in place of the impracticable 100 per cent. arithmetical audit prescribed in more leisurely times. Detailed audits are to be made on the request of the Treasury, and "any important change in the extent or character of any examination" made by the Comptroller is to be reported by him to the House. The Act also deals with the examination of accounts of receipts of revenue, cash accounts, and stock and store accounts, and

with the preparation of trading accounts in a prescribed form, new arrangements being required to check various activities of Government departments which the war had created or enlarged. The Comptroller's salary is increased and the office of Assistant Comptroller is abolished.

Important financial provisions occur in the Railways and other Acts to be mentioned later. Elsewhere statutory charges are increased in several directions. The 1920 legislation for raising the charges for gas, tramway and harbour facilities was applied to water undertakings in 1921, though the Act (c. 44) speaks euphemistically of "modification" rather than "increase." The maximum licence duties for salmon and freshwater fishing are doubled (c. 38). To compensate coroners for the increased cost of living and travelling, power is given to revise their fees and salaries (c. 30). The limit imposed by the Greenwich Hospital Act, 1872, on the sum to be spent in educating seamen's daughters is removed.

Transitional.—The Acts of 1915 and 1916 which created the Ministries of Munitions and Shipping provided for their extinction by Order in Council and for the retransfer of powers and duties. There was, however, no sufficient provision for dealing with their property, rights and liabilities on extinction. This is supplied by the Ministries of Munitions and Shipping (Cessation) Act (c. 8) and the Orders in Council made thereunder (see S.R. & O., 1921, Nos. 446 and 447), shipping property, etc., being passed to the Board of Trade, and munitions property, etc., to the Treasury solicitor and to a Disposal and Liquidation Commission under Treasury Supervision.

A war-time restriction enforcing the early closing of shops, which had been temporarily continued by statute in 1920, is relaxed to allow later hours for sales of fruit, sweets, confectionery and table waters (c. 60). Four transitional measures of great political significance remain to be dealt with under the headings of railways, mines, agriculture and licensing.

Railways.—The Ministry of Transport Act of 1919 continued the control of the railways until August 1921, to give time "for the construction and formulation of the policy to be pursued." The Railways Act, 1921 (c. 55), is the outcome. The policy is not nationalization and a single system, but reorganization into groups with the prospect of economies and with safeguards against monopoly. The main features of the Act are three: (i) grouping by means of amalgamation and absorption schemes; (ii) a new Rates Tribunal and complex machinery for classification of merchandise, "standard charges," "exceptional charges," etc.; (iii) a conciliation scheme for adjusting disputes between the companies and their employees. These three features have already been discussed in this *Journal* (last November) by Sir Lynden Macassey (p. 162). Among the details of the Act are the transfer of the Light Railway Commissioners' powers to the Ministry of Transport, and a direction (s. 75) that every amalgamated company shall afford every other such company all reasonable facilities and forward all through traffic as expeditiously as if it were its own proper traffic. Pre-war facilities for interchange of traffic are preserved. Statistical returns are to be compiled and rendered (s. 77). The Minister can demand particulars of all arrangements for allocating traffic and pooling receipts (s. 19). A clause empowering railways to own and run road vehicles was ruled by the Speaker to be outside the scope of the Bill.

The country compounded with the railway companies for the sum of

£60,000,000 (s. 11) in settlement of all claims upon the Government for the period of State control. The Irish Railways (Settlement of Claims) Act (c. 59) sanctions £3,000,000 as similar compensation in Ireland, the distribution of that amount having already been agreed.

Mines.—Control of the mines under the Coal Mines (Emergency) Act of 1920, continued by the Mining Industry Act of that year, seemed likely to last till the end of August 1921. The Coal Mines (Decontrol) Act of 1921 (c. 6) merely terminates the Coal Mines (Emergency) Act on March 31, instead of August 31. It was a simpler legislative task than decontrolling the railways, but it had an unhappy sequel in the paralysis of the coal trade during April, May and June.

Agriculture.—The repeal of the Corn Production Acts, 1917 and 1920 (with a saving for the sections as to the destruction of injurious weeds) puts an end to guaranteed prices except that the 1921 crop had to be paid for. The Corn Production Acts (Repeal) Act, 1921 (c. 48), makes a bargain with the growers for £3 an acre for wheat and £4 for oats. The wages boards are (with a special provision for Scotland) replaced by voluntary "local joint conciliation committees" of employers and workmen. Parliament granted a million pounds to provide a "special fund for promoting agricultural development, including the establishment of scholarships and maintenance grants for the sons and daughters of agricultural workmen and others."

There are other Acts relating to agriculture, less transitional in character. One (c. 17), while correcting minor deficiencies in the Agriculture Act of 1920, gave the House of Lords an opportunity to protest against legislation by reference. The Corn Sales Act (c. 35), which is not to take effect till 1923, enacts that the sale of corn should in future be "by weight only and in terms of and by reference to the hundredweight of 112 imperial standard pounds." Contracts or sales not so made are to be null and void, except those for less than a hundredweight or for corn abroad, corn for export or growing corn, or where the contract or dealing provides for delivery in bags. Consequential amendments are made specifically in the Corn Returns Act of 1882, and generally in other Acts and awards based on imperial bushels or other measures. There is a comprehensive definition of "corn," and the Act is applied also to dried peas and beans, linseed, potatoes, grass seed, clover, swedes and certain other field vegetables, beet, flax and sainfoin. The problem of the multiplicity of local measures which the Act is designed to replace can be studied in the report and recommendations of the Agricultural Policy Sub-committee of the Reconstruction Committee, published in 1918 [Cd. 9079].

A short Tithe Annuities Apportionment Act (c. 20) remedies an omission in the 1918 Act, which had provided for redemption by annuities but not for apportionment of annuities, with the result that the annuities attached to each and every portion of the land. Capital money of settled lands is allowed to be used in redemption of annuities.

Licensing.—After other licensing proposals had failed, a round-table conference produced a Bill based on the greatest common measure of agreement, and the Bill became law for England and Scotland (c. 42). The transitional element is in Part II thereof, which abolishes the Central Control Board (Liquor Traffic). In the controlled areas, henceforward to be known as State Management Districts (*i.e.* Carlisle and Enfield Lock in England and Cromarty Firth and Gretna in Scotland) the manage-

ment and ownership of licensed houses are handed over to the Home Secretary and the Secretary for Scotland.

Part I of this Licensing Act is general and permanent. It defines the "permitted hours" during which intoxicating liquor can be sold or supplied in licensed premises and clubs. The hours vary as between London and the rest of the country and as between week-days and Sundays. In London the week-day hours are nine, to be fixed by the justices (or in the case of clubs by club committees) somewhere between 11 a.m. and 11 p.m.; outside London they are eight, to be fixed between 11 a.m. and 10 p.m. In either case there is to be a break of at least two hours sometime after noon. Pending the decisions of the justices or of the clubs, the London hours are fixed as 11.30 a.m. to 3 p.m. and 5.30 p.m. to 11 p.m.; outside London the same hours hold good except that the closing time is 10 p.m. instead of 11 p.m. The hours for Sundays (including Christmas Day and Good Friday) are five, to be fixed by a similar arrangement. Parliament thus suggests, rather than specifies, the permitted hours—a source of local anomaly since, to take a London example, the permitted hours may differ on opposite sides of Oxford Street. There are to be no permitted hours for licensed premises in Wales or Monmouthshire on Sundays, Wales thus reverting to its pre-war Sunday closing (except in clubs) and Monmouthshire being assimilated for the purpose. A "theatre-supper" section allows drink to be served with meals for one hour after the usual closing time, where licensed premises are structurally adapted and *bona fide* used for habitually providing "substantial refreshment to which the sale and supply of alcohol is ancillary." An extra half-hour is granted for consuming with a meal any liquor supplied during permitted hours. From these provisions there are various exemptions, partly reproduced from the 1910 Act, including the cases of residents in clubs or licensed premises, orders for liquor consumed off the premises, refreshment of the licence-holder's *bona fide* private friends at his own expense, and sales to traders, clubs or canteens. The 1910 Licensing Act is adapted and amended. The repeal of s. 61 thereof bids farewell to the "*bona fide* traveller," whose nicely calculated excursions, previously related to close time on the sabbath, were felt to be incompatible with a close time of two hours every afternoon of the week and with the complications introduced by motor transport at popular prices. The hawking of liquor and the supply of liquor on credit (for on-sales) are forbidden, as also is the "long pull," or, in parliamentary language, selling to a person "as the measure of intoxicating liquor for which he asks, an amount exceeding that measure." Beer which contains less than 2 per cent. of spirit is treated as a temperance liquor saleable without excise licence. Billiard playing in licensed houses is no longer restricted to permitted hours.

Education.—Consolidation of the English law of education is at last achieved. It had been in prospect ever since the Act of 1902, and it was facilitated by the simplifying Act of 1918. The new Act (c. 51) includes the main provisions about employment of children and prevention of cruelty. It omits the expiring provisions as to employment under the Factory and Workshops Act, 1901, and those of the recently passed Act (c. 65 of 1920) which adopted the International Labour Organization standard. It also omits the law of the universities, Army and Navy schools and industrial schools, the Endowed Schools Acts and Schools Sites Acts, and the education portions of the law of charitable trusts.

But substantially it contains all that parents, magistrates and educational administrators require, and this information is skilfully brought together in convenient and orderly form. The " appointed day " for the operation of the new Act was subsequently fixed by order as October 1, 1922, with a reservation as to continuation schools.

Reformatory and industrial schools, and in particular the method of contribution to their cost, are dealt with by a new Children Act (c. 4).

Unemployment.—The effort to promote employment by stimulating foreign trade has already been mentioned. The Trade Facilities Act (c. 65) authorizes the Treasury to guarantee the payment of loans to be applied towards the carrying out of capital undertakings or the purchase of articles (other than munitions of war) required for the purposes of such undertakings. The object here also is to find work for the unemployed. A brief Forestry Act (c. 61) temporarily facilitates advances for afforestation for the same purpose. Meanwhile the volume of unemployment had had its effect upon poor relief. By the Local Authorities (Financial Provisions) Act (c. 67) help is given to the rate-payers of London boroughs such as Woolwich, Poplar, and Limehouse, and the equalization of rates in London is further extended. The expense of out-door relief in London (if not granted in excess of a prescribed scale) is to be charged on the Metropolitan Common Poor Fund, the statutory sum chargeable upon that fund being raised from five to fifteen pence a day. Where, as at Poplar, metropolitan borough councillors refuse to levy the rates demanded of them, the Minister of Health can appoint a receiver to levy them. The financial provisions allow local authorities to borrow on short-term loans, to suspend sinking fund payments where money is borrowed for revenue-producing works, and to exceed borrowing limits where schemes for providing employment are involved.

Early in March an Unemployment Insurance Act (c. 1) was passed to increase the rate and period of benefit under the 1920 Act. Men and women who had been employed for 20 weeks (or ex-service men employed for 10 weeks) since the end of 1919 were made eligible for 16 weeks' benefit in each of two " special periods," namely, the period from the date of the passing of the new Act to November 2, 1921, and the period from November 3, 1921, to July 2, 1922, insured persons thereafter being entitled to 26 weeks' benefit in each year. The benefit was increased to 20*s.* for men and 16*s.* for women. All calculations, however, were upset by the coal dispute. The Unemployment Insurance Fund was depleted. In June it was said that benefit was being paid at the rate of £2,000,000 a week with an income from contributions of less than £250,000. Another Act was therefore passed (c. 15) reducing the benefits to the 1920 scale (15*s.* for men and 12*s.* for women) and increasing contributions. At the end of the year the Unemployed Workers' Dependants (Temporary Provision) Act (c. 62)[1] gave a weekly grant of 5*s.* for the maintenance of wife (or husband) and 1*s.* for each dependent child. " Wife " is generously defined to include a woman who looks after an unemployed worker's dependent children or who " has been and is living as his wife " ; " child " includes step-child, adopted child and illegitimate child. The cost is to be met by contributions of 2*d.* per man from insured persons, 2*d.* per man from employers and 3*d.* per man from moneys provided by Parliament.

National Health Insurance.—To meet the increased cost of administra-

[1] In 1922 this Act was repealed and the grants payable under it are amalgamated with unemployment insurance benefit.

tion a National Health Insurance Act (c. 25) was passed in July. By a somewhat complicated financial arrangement it increases the contribution of approved societies towards the expenses of insurance committees. The membership of these committees, formerly from 40 to 80 persons, is cut down by half. In November the National Health Insurance (Prolongation of Insurance) Act (c. 66) [1] was passed to retain in the health insurance scheme those *bona fide* members of approved societies who had dropped out of employment during 1920 and 1921. The expense is met from the societies' reserve and contingency funds.

Public Health.—An Act of 1920 had cut sanatorium benefit out of national health insurance. The great majority of county and county borough councils had set up their own schemes for tuberculosis treatment. Where there is a failure to make adequate arrangements the Public Health (Tuberculosis) Act (c. 12) authorizes the Ministry of Health to take action and recover the cost. Local authorities are empowered to afford after-care to tuberculous patients and to arrange for treating seamen. Joint committees (to be deemed bodies corporate) may be formed for co-operation by contiguous authorities. The Metropolitan Asylums Board may make agreements for the reception of its tuberculous patients in sanatoria.

The Public Health (Officers) Act (c. 23) gives security of tenure to medical officers of health and "sanitary inspectors," the latter title being substituted as the description of what formerly were called "inspectors of nuisances."

Housing.—The Housing Act (c. 19) extends by 18 months the period of subsidy to private builders for houses on which work has already been begun. The restriction on luxury building is repealed. Local authorities obtain further powers for carrying out building schemes outside their own areas. Subject to Treasury approval the Minister of Health can fix rates of interest on advances and expenses under certain housing enactments. The Treasury can permit advances for development of garden cities by loan from the Public Works Loan Commissioners. Local Authorities, being able to borrow up to half the proceeds of the sales of national savings certificates in their areas, are allowed to contribute to the expenses of local savings committees. This Act applies to Ireland (with modifications), but not to Scotland.

Health Resorts.—The Health Resorts and Watering Places Act (c. 27) gives borough and urban district councils in England and Wales power to advertise their amenities and advantages. Similar provision had been made for Ireland in 1909.

Administration of Justice.—The Supreme Court Officers (Retirement, Pensions, etc.) Act (c. 56) fixes a compulsory retirement age for the Permanent Secretary to the Lord Chancellor, Official Referees, Masters of the Supreme Court and certain other scheduled officers. This age limit is fixed at 72 years (as for county court judges) with a possible extension to 75. Most of these officers are appointed late in life. It was therefore necessary to make special provision for their pensions outside the normal civil service scheme. There is to be no retirement on pension without medical certificate until after a certain number of years' service. The Lord Chancellor is authorized to abolish any unnecessary offices in the Supreme Court, and to appoint registrars in the Chancery Division (and registrars' clerks) to such number as he may fix, the effect being to

[1] This Act is temporary, but was continued by the Expiring Laws Act of 1922.

reduce the total of 10 registrars and 12 clerks fixed by older statute and found to be excessive.

Early in the year a Tribunal of Inquiry (Evidence) Act (c. 7) was passed. It was occasioned by certain allegations against the Ministry of Munitions, and its first application, in part retrospective, was to the investigation of these. It provides that, on a resolution of both Houses of Parliament, a tribunal may be established for inquiring into " a definite matter described in the resolution as of urgent public importance." His Majesty, or a Secretary of State, then may apply the Act, and thereupon the tribunal will have all the powers of the High Court (or in Scotland the Court of Session) for enforcing attendance of witnesses, examining them on oath or otherwise, compelling production of documents or taking evidence on commission abroad. Offences by persons summoned as witnesses may be punished by the High Court (or Court of Session) on certificate from the chairman of the tribunal. The tribunal is given a certain discretion as to the admission of the public and as to the representation by counsel, solicitor or otherwise, of persons concerned. In substance this rather intricate Act makes general and permanent provision where special and temporary provision has previously been necessary. Precedents of *ad hoc* statutory commissions would include the Belfast riots inquiry in 1886, the " Parnellism and Crime " inquiry in 1888, and the more recent Dardanelles and Mesopotamia Commissions of 1916. These examples sometimes provide more directly for the punishment of perjury and for the indemnification of witnesses than the new general Act of 1921.

Merchant Shipping. — The Merchant Shipping Act provisions as to registry of ships and as to the limitation of ship-owners' liability are applied to lighters and barges used for navigation in tidal waters and harbours by a new measure (c. 28) partly based on a House of Lords Bill of 1907. Owners are made responsible for danger to human life due to defective hull or equipment or to overloading, improper loading or undermanning.

Dentists.—A series of decisions under the Dentists Act of 1878 had complicated the problem how far unqualified men who did not actually call themselves dentists could practise in so-called " dental surgeries " and similar establishments. The Dentists Act of 1921 (c. 21), partly based on recommendations of a Departmental Committee of 1919, prohibits the practice of " dentistry " by unregistered and unqualified persons, but allows *bona fide* practitioners (and, after passing a prescribed examination, certain dentists' mechanics) to obtain registration subject to safeguards. A Dental Board, set up in succession to the General Medical Council, is made responsible for the register and for control of the profession ; it thus becomes possible to set up a professional standard against canvassing, advertisement and possibly greater dangers. The Dental Board is empowered to make regulations and to exercise (subject to appeal) the disciplinary power of erasing names from the register. The Act does not apply to practitioners already registered, or to minor dental work in any public service, or to the extraction of a tooth in urgent cases and without anæsthetics by registered pharmaceutical chemists or registered chemists and druggists where no duly qualified dentist is available. There is a somewhat elaborate section (s. 5) as to bodies corporate carrying on dentistry, with a provision for punishing a director or manager (" unless he prove that the offence was committed

without his knowledge") where the body corporate is convicted of an offence.

The prohibition against unregistered persons practising "dentistry" —which term is very widely defined—did not take effect till November 30, 1922 (see the Order in Council, S.R. & O., 1922, No. 890). At that date it was estimated that the previously registered practitioners amounted to nearly 6,000 and that the new Act would bring at least as many more names on to the register.

Prevention of Cruelty. — Humanity inspired a little group of Acts passed early in the year. A crusade against pigeon-shooting competitions at Monte Carlo and elsewhere led to the Captive Birds Shooting (Prohibition) Act (c. 13). The Courts had decided (see *Waters v. Meakin*, [1916] 2 K.B. 111) that in England rabbit-coursing in a field with closely boarded and netted fences through which escape was impossible was not an offence against the Protection of Animals Act of 1911. An amending Act (c. 14), remedies the omission. The Importation of Plumage (Prohibition) Act (c. 16) brings plumage within s. 42 of the Customs Act of 1876. There is a schedule of exemptions (for ostrich feathers and eiderdown) which the Board of Trade can vary on the recommendation of an advisory committee. Birds imported alive and birds ordinarily used for eating are also exempted, together with plumage imported in a passenger's wearing apparel if "*bona fide* intended and reasonably required for the personal use of the passenger."

Police Pensions. — Partly consolidation and partly new law, the Police Pensions Act (c. 31) standardizes the scales and conditions of pensions in the several police forces throughout England and Scotland. The new standard is sometimes better, sometimes worse, than those it replaces, but uniformity was desirable. The time limit for acquiring maximum pension is fixed at 32 years. A policeman can go to pension on medical certificate after 10 years' service. There is a scheme of special pensions for injuries, accidental or non-accidental, received in the course of duty and amounting to total or partial disablement. Pensions and gratuities for widows and children are provided. The conditions on which pensions will be forfeited are stringent but doubtless proper. They include association with reputed thieves, omission to assist the police in detecting crime or suppressing disturbance, entering an illegal business or, after prohibition on reasonable grounds, employment as a private detective, soliciting gifts or testimonials, improperly disclosing official information, and conviction followed by sentence of three months' imprisonment.

Miscellaneous. —Mr. Speaker's Retirement Act (c. 10) confers an annuity upon Mr. Lowther, now Lord Ullswater, in consideration of his eminent services. The Isle of Man (Customs) Act (c. 40) gives the usual statutory confirmation to the Resolutions of the Court of Tynwald which otherwise have force only for a limited period. The chief feature is the adoption of the new import duties on clocks, watches and musical instruments. The Duchy of Lancaster (Application of Capital Moneys) Act (c. 45) meets a temporary deficiency in the Civil List by allowing the Duchy to realize £100,000 of capital and apply it as revenue. To enable the Postmaster-General to develop the telephone system the Telegraph (Money) Act (c. 57) grants £5,000,000 from the Consolidated Fund, the Treasury being authorized to borrow by means of terminable annuities and an issue of Exchequer bonds.

Ireland and Scotland.—No Act of special significance to Ireland was passed in 1921 except the railways measure already mentioned. There are five Acts specially relating to Scotland. Of these the Trusts (Scotland) Act (c. 58) is a valuable consolidation of the law with a few amendments, prepared by a representative committee of Scottish conveyancers. The Lord Advocate, who supervised the drafting, described it as a complete code not only valuable, he hoped, to the lawyer but also accessible to the Scottish citizen—an admirable legislative design most competently executed. The Act replaces a series of complicated statutes from 1861 onwards, and adds improvements—some of them imported from south of the border. Thus the Court is given power to approve fresh trust securities from time to time and to strike off the list any so approved (ss. 10 (17), 27), and to relieve a trustee from personal liability for breach of trust, where he has acted honestly and reasonably and ought fairly to be excused (s. 32). In addition, whereas the Act of 1867 had allowed trustees to sell, feu, mortgage or excamb if the Court were satisfied that such action was both expedient and consistent with the trust, the 1921 Act allows such acts to be done without recourse to the Court if consistent with the trust, and with sanction of the Court even if inconsistent (ss. 4–5). Persons dealing with trustees are relieved from the duty of seeing that a deed which is *prima facie* regularly executed by a quorum of trustees has in fact been authorized by all (s. 7). And where a fiduciary fiar (a creature peculiar to Scots law) holds an estate, the Court is given power to form a real trust and to vest the trustees with the powers of ordinary trustees (s. 8). The Housing (Scotland) Act (c. 33) extends the building subsidy period (as in the English Housing Act) with a limit to the aggregate amount of the grants. A Protection of Animals (Scotland) Act, 1912, Amendment Act (c. 22) deals with rabbit-coursing on the lines of the English Act already mentioned. Certain "Articles Declaratory of the Constitution of the Church of Scotland in Matters Spiritual" are declared lawful by the Church of Scotland Act (c. 29). The Church was not asking Parliament for a constitution, but asking for power to pass its own constitution notwithstanding any ancient statutes to the contrary. The Criminal Procedure (Scotland) Act (c. 50) has two sections. One allows a prosecutor (with leave of the Court) to examine witnesses, and to put in evidence productions, not included in lists lodged in trials on indictment in the High Court of Justiciary and Sheriff Court. The other authorizes the Sheriff, on plea or verdict of guilty, "if he shall hold that any sentence which he can competently pronounce is inadequate and that the question of punishment should be disposed of by the High Court of Justiciary," to remit the case for sentence.

Delegated Legislation.—As in previous years, there was a large output of regulations, rules and orders made under statutory power delegated to departments. These covered almost every field of law. One of the tables included in the officially published annual volume of *Statutory Rules and Orders*, 1921, indicates that this subordinate legislation is not merely supplementary. Apart from the wholesale adaptation of enactments by Order in Council under the Government of Ireland Act, this table shows more than eighty instances in which an Act of Parliament was amended, extended or otherwise affected by a Statutory Rule or Order during 1921.

2. ISLE OF MAN.

[*Contributed by* LLEWELLYN KNEALE, ESQ.]

Sex Disqualification (Removal) Act.—This Act is based upon 9 & 10 Geo. V, c. 71, and provides that a person shall not be disqualified by sex or marriage from the exercise of any public functions or from being appointed to or holding any civil or judicial office or post or from entering or assuming or carrying on any civil profession or vocation or for admission to any incorporated society (whether incorporated by Royal Charter or otherwise). Notwithstanding anything in the Act the Governor may by Order authorize regulations to be made providing for and prescribing the mode of the admission of women to the civil service of the Isle of Man, and the conditions on which women admitted to that service may be appointed to or continue to hold posts therein. Any Order so made shall be laid before Tynwald forthwith, and if Tynwald, by resolution passed at the next sitting of Tynwald, after the sitting at which such Order is laid before Tynwald, declare that such Order, or any part thereof, shall henceforth be void, but without prejudice to the validity of anything previously done thereunder. The Act also provides that a woman shall be entitled to be admitted and enrolled as an advocate, solicitor and attorney after serving under articles for three years only if either she has taken such a university degree as would have so entitled her had she been a man, or if she had been admitted to and passed the final examination and kept under the conditions required of women by the university the period of residence necessary for a man to obtain a degree at any university which did not at the time the examination was passed admit women to degrees. Any exactment or provision so far as is inconsistent with the provisions of the Act shall cease to have effect, and the reference to men in the Douglas Municipal Corporation Act, 1905, and the Local Government (Consolidation) Act, 1916, shall include women.

Increase of Rent and Mortgage Interest (Restrictions) Act.—This Act follows the lines of the English Act 10 & 11 Geo. V, c. 17, but some alterations of the English Act have been made in order to meet insular requirements. The construction of the Act has given considerable trouble, and neither landlords nor tenants are satisfied therewith. The Act expires on May 12, 1923, but it has recently been extended for one year.

Criminal Code (Amendment) Act.—The Chief Criminal Court in the Isle of Man is designated "The Court of General Gaol Delivery," and the judges of this Court are the Governor and the judges of the High Court. This Act provides that in future one judge of the High Court shall be the judge of the Court of General Gaol Delivery and certain alterations are made in procedure. The Act also establishes a Court of Criminal Appeal consisting of the three judges of the High Court, but no judge is to sit on the hearing of an Appeal when any order ruling judgment or decision or the direction of the jury or the conduct of the trial by such judge is appealed from or called in question by the appeal. The provisions of the Act with respect to Criminal Appeals follow very closely ss. 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17 and 19 of the English Act of Edward VII, c. 23.

The Income-tax Amendment Act.—The Income-tax Amendmen

Act, 1921, amends the Income-tax Act of 1918. Income-tax was unknown in the Isle of Man until 1918, and the whole Manx Income Law is now contained in the Acts of 1918 and 1921. A further amendment of the Act of 1920 is at present (1923) contemplated.

Firearms Act.—This Act is the English Act 10 & 11 Geo. V, c. 43, with a few alterations to meet insular requirements.

Shop Hours Act.—This Act provides for the closing of certain shops on certain days and during certain hours. The Act is founded upon, and in several respects follows, the English Acts 2 Geo. V, c. 3, and 10 & 11 Geo. V, c. 58. The Act has been the subject of considerable criticism, and at present (1923) an amended act is being discussed by the Legislature.

Licensing Amendment Act.—This Act, following 2 Edward VII, c. 8, s. 52, defines " sweets " as any liquor which is made from fruit and sugar, or from fruit and sugar mixed with any other material, and which has undergone a process of fermentation in the manufacture thereof, and includes British wines, made wines, mead and metheglin ; and declares that " beer " includes ale, porter, spruce beer, black beer, and any other description of beer, and any liquor which is made or sold as a description of beer, or as a substitute for beer, and which on analysis of a sample thereof at any time is found to contain more than 2 per cent. of proof spirit. The Act provides for the granting of " sweets " licences and the transfer thereof, and imposes penalties for selling " sweets " without a licence.

The Old Age Pensions and National Health Insurance Amendment Act.—In 1920 there was passed an Old Age Pensions and National Health Insurance Act, and the Act of 1921 makes certain amendments therein.

The Workmen's Compensation Act.—This Act makes certain alterations in the Workmen's Compensation Act, 1919. The Manx Workmen's Compensation Acts are now practically the same as the English Act 6 Edward VII, c. 58.

Judicature Amendment Act.—This Act makes certain alterations in the constitution of the High Court of Justice. It also amends and alters the procedure with respect to appeals to the Court of Appeal, called in the Isle of Man " the Staff of Government." Hitherto the Ecclesiastic Courts have had jurisdiction in affiliation proceedings, and the Act transfers this jurisdiction to the High Bailiffs, that is, the Chief Magistrates. At present, applications for Probate of Wills and Grants of Administration have to be made in open Court before a judge of the High Court. The Act provides that, if the parties desire, they can apply for Probate or Administration to the Chief Clerk in the Rolls Office. Where any difficulty arises as to a grant, the Chief Clerk is to refer the matter to a judge of the High Court.

Married Women's Property, Dower, and Widowright Act.—This Act is the English Acts 45 & 46 Vict. c. 75 and 56 & 57 Vict. c. 73 with a few alterations. Apparently by some oversight 7 Edward VII, c. 18, has been omitted. At the end of the Act sections similar to ss. 5, 6, 7, 8 and 9 of 3 & 4 W. IV, c. 105 have been inserted. The effect of the Act is that where a marriage takes place after July 5, 1921, the rights of the husband in the Manx real and personal estate of the wife, and the rights of the wife in the Manx real and personal estate of the husband are, speaking generally, the same as those of husband and wife in England.

Fertilizers and Feeding Stuffs Act.—This Act is the English Act 6 Edward VII, c. 27, with a few alterations to meet insular requirements.

(Maintenance Orders Facilities for Enforcement) Act.—This Act is the Act of 10 & 11 Geo. V, c. 33, with a few alterations to meet insular requirements.

Valuation Act.—Between 1886 and 1903 various Acts called Valuation Acts were passed authorizing the preparation of lists showing the annual value of hereditaments liable to be rated. These Acts are now repealed, and the Valuation Act, 1921, substituted therefor. Rates are to be levied upon the annual values, given in the lists, of the rateable hereditaments specified therein. The working of the Act is entrusted to a Board designated the Valuation Board and elected by Tynwald.

Government Chaplaincies Act.—The Government Chaplaincies Act, 1921, carries into effect an arrangement made between the Manx Government and the Ecclesiastical Authorities with reference to the Government Chaplaincies at St. Mary's, Castletown, and St. John's, German.

Fishery Act.—This Act makes a slight amendment in the Salmon and Fresh Water Fishery Act, 1882, the Sea Fishery Act, 1894, and the Fisheries Authorities Amalgamation Act, 1904.

Noble's Hospital Act.—This Act gives power to the trustees of Noble's Isle of Man Hospital and Dispensary, with the consent of the Committee of Management of the Hospital, to sell real estate forming part of the endowment of the Hospital, unless a contrary intention is expressed in the will or deed devising or assuring the real estate to the Hospital. The proceeds of any sale are to be invested by the trustees on specified investments.

Intestate's Estates Act.—This Act is the English Act of 33 & 54 Vict. c. 29 with a few alterations to meet insular requirements.

Bank Holidays Amendment Act.—This Act provides a new schedule of Bank Holidays in the Isle of Man in lieu of the schedule heretofore in force. Manx Bank Holidays now are (1) the birthday of the reigning Sovereign, (2) New Year's Day, (3) Good Friday, (4) Easter Monday, (5), Whit Monday, (6) Tynwald Day (July 5), (7) the first Monday in August, (8) Armistice Day, (9) Christmas Day, (10) St. Stephen's Day. Also, any day appointed by proclamation as a day of solemn fasting or humiliation or as a day of thanksgiving. If the birthday of the reigning Sovereign, New Year's Day, Tynwald Day, Armistice Day or St. Stephen's Day falls on a Sunday, the next following day is to be a Bank Holiday. If Christmas Day falls on a Sunday, the next following Tuesday is to be a Bank Holiday.

Local Government Amendment (Omnibuses) Act.—This Act amends the Local Government Consolidation Act, 1916, and enacts that the Corporation of Douglas may provide and run stage coaches for the purposes of conveying passengers' baggage to and from any points within the district of Douglas, and may exercise all the powers in the Act and in the Local Government (Consolidation) Act, 1916, contained as to stage coaches; the Corporation so far as is practicable to provide and maintain an adequate service of such stage coaches for the purpose above named between the Douglas Railway Station and the piers at such times on each day as shall be convenient for the arrival and departure of the steamers.

Manx Industries Association (1920) Limited (Borrowing Powers) Act,

Isle of Man Steam Packet Co. Limited (Borrowing Powers) Act.—These Acts authorize the Association and the Steam Packet Co. to borrow money at a higher rate of interest than 6 per cent. The Acts were required because the Association and the Steam Packet Co. desired to borrow money at a higher rate of interest than 6 per cent., and were prevented from doing so by an Act of Tynwald promulgated on July 30, 1691, and still in force, which provides " None shall take above six pounds for the loan of a hundred pounds for a year."

British Nationality and Status of Aliens (Fees) Act.—This Act prescribes a schedule of fees to be paid in the Isle of Man for the purposes of the English Nationality and Status of Aliens Acts 4 & 5 Geo. V, c. 17 and 8 & 9 Geo. V, c. 38.

High Bailiffs Act.—There was formerly a High Bailiff (or Chief Magistrate) for each of the four towns—Douglas, Castletown, Ramsey and Peel. By the High Bailiffs Act, 1921, there are in future to be two High Bailiffs only : one for Douglas and Castletown, and one for Ramsey and Peel.

Highway Act.—This Act amends the Highway Acts, 1889 to 1920, and gives additional powers to the Highway Board and *inter alia* power to make new highways, to widen highways, to acquire land compulsorily, to prohibit erections at the corners or angles of highways, to remove prohibited erections, to pull down dangerous buildings and fences on highways, to register and grant licences for non-insular motor-cars, to restrict the speed of motor vehicles, to restrict the driving of specified vehicles on specified highways, and to restrict the number of passengers to be carried by motor vehicles.

The Douglas Corporation Electric Light and Power Act.—This Act authorizes the Corporation of Douglas to produce and sell electric light and power to residents in Douglas and neighbourhood.

Imported Kippered Herrings Act.—This Act is an attempt to remove a grievance which has for some time been felt in the Isle of Man. Kippered herrings, it is alleged, are imported into the Island and then exported as " Manx Kippers."

The Act provides that :

1. Every box or package, whether open or closed, containing kippered herrings which have been imported into the Isle of Man shall be branded and durably marked " imported kippers " in legible printed capital letters, not less than one inch square.

2. Any person who shall sell, offer, or expose for sale kippered herrings which have been imported into the Isle of Man, shall exhibit on a placard or label in legible printed capital letters, not less than one inch square and placed upon the kippered herrings, the words " imported kippers."

3. Any person who shall sell, offer or expose for sale, or have in his possession for the purpose of sale, any imported kippered herrings, not being branded, labelled or placarded as required by the Act shall be liable to a penalty not exceeding twenty pounds, or in default of payment to imprisonment according to the scale of the Summary Jurisdiction and Petty Sessions Act, 1900, or any Act amending the same.

4. Any offence against the provisions of the Act committed by any servant or employee shall be deemed to have been committed by the master or employer of such servant or employee, unless such master or employer shall prove to the satisfaction of the Court before which such

offence is tried that such servant or employee acted in contravention of the express instructions of such master or employer and without his knowledge.

3. JERSEY.

[*Contributed by* E. T. Nicolle, Esq., *Vicomte of Jersey.*]

Licensed Victuallers.—An Act of the States was passed whereby licensed victuallers may apply for permission to sell non-alcoholic drinks for one hour after closing-time from May to September inclusive, on condition that the ordinary bar be closed.

Militia.—An Act of the States, confirmed by Order in Council dated December 13, 1921, revives the Militia Act which had been suspended during the war, but reduces the total effectives of the Royal Jersey Militia from 1,000 to 500 men.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[It is hoped to publish the Summary of Legislation in the next *Review.*]

2. ALBERTA.

[*Contributed by* John D. Hunt Esq., K.C., *Clerk to the Executive Council.*]

Acts passed: Public—67; Private—11.

Statute Law Revision.—C. 5 makes a variety of amendments. By Section 2 a chauffeur of a van carrying pupils to and from any consolidated school shall not be required to pay a licence fee. The fine has been doubled upon conviction of any person driving or operating a motor vehicle while intoxicated. It shall be unlawful for any person to sell or expose for sale, or to have in his possession any part of an automobile tractor, steam or gas engine, or any accessory thereto which had been serially numbered by the manufacturer or maker with the serial number removed or effaced, or not clearly visible. The penalty is a fine not exceeding $50, or, in default of payment, imprisonment not exceeding three months.

By s. 3 the cost incurred per acre in rendering any parcel of land irrigable by reason of the construction of irrigation canals, ditches or otherwise shall, to the extent that such cost is not at the time of the sale, or transfer, a charge against such land, be deemed to be an improvement on the land, notwithstanding that such canals, ditches or other improvements may not be located upon such parcel of land. The tax shall not be payable by a municipality on a transfer of any land vested in it by virtue of tax enforcement proceedings.

By s. 4, where any person being a child or other issue of a testator to whom any property is devised or bequeathed, dies in the lifetime of the testator and no provision is made in the will for such contingency,

and any children or issue of any such person are or is living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect so that such children or issue shall take, and if more than one, equally, the share which their, his or her father or mother, would have taken if such father or mother had survived the testator, unless a contrary intention appears in the will.

The Legal Profession Act, s. 7, gives benchers power to appoint a discipline committee to deal with every written charge or complaint against or regarding any member of the association and to suspend, fine, or strike the name of the offender off the rolls of the society.

By s. 35, as often as it appears to the Lieutenant-Governor in Council to be expedient that an expression of opinion as to the desirability of amending any legislation or of introducing any new legislation relative to any subject matter whatsoever should be elicited from the electors of the Province, then the Lieutenant-Governor in Council may give directions as to the holding of a general plebiscite of the said electors for the purpose of ascertaining the said opinion. In giving such directions the Lieutenant-Governor in Council may fix the question to be submitted to the electorate, the method of instituting the plebiscite, the forms of ballot to be used, the person or persons to conduct same and the general machinery for the taking of the plebiscite and generally may determine all matters preparatory to, consequent upon, ancillary to and connected with the same.

By s. 36 a Legislative Counsel shall be appointed by the Lieutenant-Governor in Council to prepare legislation, revise statutes and perform such other duties as the Attorney-General or the Lieutenant-Governor in Council may direct.

Liquor Licensing.—By c. 6, after the 1st day of June 1921, no physician shall be furnished with more than one hundred prescription forms in a month, unless he makes application in writing, giving reasons for requiring more.

After the 1st day of May 1921 every chemist shall upon his first order receive a reasonable quantity of liquor, but shall not thereafter purchase a greater number of bottles than has been dispensed by him from the date of his last preceding purchase. Provided, however, that upon proof satisfactory to the vendor a druggist may purchase such additional quantity as shall be reasonably accounted for as having been used with other drugs in filling prescriptions not exclusively liquor. Notwithstanding the amount of liquor called for by any prescription, only one sealed bottle shall be sold by a druggist upon any prescription and no bottle supplied by a vendor to a druggist shall be opened by the latter except for the purpose of filling prescriptions for twelve ounces of liquor or less, and in such case no other bottle shall be opened until the liquor in the first mentioned bottle is exhausted by filling such prescriptions.

No veterinary surgeon shall be entitled to purchase more than one gallon of liquor during any one month.

Any chemist who colourably for medicinal purposes sells liquors to be consumed by any person as a beverage shall, on summary conviction thereof, be liable to a penalty of not less than $400 nor more than $1,000 and costs, and in default of payment thereof to imprisonment for a period of not less than three months, and shall moreover be disqualified from selling or purchasing liquor as a privileged person for a period of six months, and upon conviction for any offence committed subsequent to

a first conviction shall be liable to imprisonment for a period of six months and without the option of a fine, and, in addition, shall be disqualified from selling or purchasing liquor for a period of two years from the conviction.

Any person in the employ of a chemist who commits any act which if he were such chemist or druggist would render him liable to a penalty as such under the provisions of the previous paragraph shall be liable to the said penalty.

When any person has been convicted of an offence committed in a drug store, then in addition to all other penalties no liquor shall thereafter be sold by any person whatsoever upon the premises whereon the offence was committed for a period of six months in the case of the first offence, and for a period of one year in the case of a conviction for a subsequent offence.

All convictions made before the passing of the 1921 amendments shall be reckoned as convictions for the purpose of ascertaining whether any conviction made after such passing is a subsequent, second or third offence, within the meaning of the Act, excepting as to the new penalties provided prohibiting the sale of liquor in a drug store upon conviction obtained.

When any chemist or employee is convicted in connexion with the selling of liquor in a drug store then all liquor found therein shall be forfeited to His Majesty, and may be taken possession of by any officer or constable of the Alberta Provincial Police or of the police force of any municipality and forwarded to the premises of the nearest vendor to be disposed of upon order of the Attorney-General.

No chemist or druggist shall have in his possession any liquor other than that supplied by a vendor, and in the event of the inspector of drug stores having reason to believe that any liquor in a druggist's store was not purchased from a vendor, he may forthwith take possession of the same and retain it so long as necessary for the purposes of evidence.

Such possession by any chemist or druggist or the presence in any drug store of any liquor other than liquor purchased from the vendor shall be conclusive evidence that such liquor is kept for sale contrary to the provisions of this Act.

On and after the 19th day of April 1921, any new drug store being established in any city, town or village having at the time one or more drug stores in operation, such new drug store shall not be permitted to fill prescriptions for liquor until such store has been in continuous operation for a period of six months.

Any person conducting a retail store in any town, village or hamlet where there is no drug store may sell such patent medicines as a druggist is permitted to sell under this Act.

The general penalties have been increased as follows: Not less than $100 nor more than $200 is now Not less than $200 nor more than $1,000.

Not less than $10 nor more than $100 is now Not less than $20 nor more than $200.

Not less than $100 nor more than $300 is now Not less than $200 nor more than $500.

In the event of an appeal from the conviction by a magistrate or justice of the peace, the penalty prohibiting the sale of liquor in a drug store imposed by this Act shall, notwithstanding any appeal, be effective pending the disposition of the case on appeal.

All fines levied under the Act shall fall into the General Revenue of the Province, excepting in the cases of offences occurring in any municipality and prosecuted to a conviction by the police or any officer of the municipality, in which event the fines shall be paid over by the Provincial Treasurer to the municipality procuring the convictions.

Juries.—By c. 8, subject to many exemptions, any inhabitant of the Province over twenty-five and under sixty years of age who is a British subject shall be liable to serve as a juror in civil and criminal cases tried by jury in the Judicial District in which he or she resides.

No woman shall be compelled to serve as a juror unless prior to the service of a summons upon her she signs a document signifying her willingness so to serve.

Until the Parliament of Canada enacts that it shall not be necessary to keep a jury together during the adjournment of a trial for indictable offences no woman shall be summoned to serve on a criminal jury.

Every jury shall consist of six persons, any five of whom may return a verdict in civil action, but in criminal cases the verdict must be unanimous.

In all actions triable by a jury, if a woman be a party to the action she may at any time notify the Clerk of the Court that she desires three women to be upon the jury and in such event the jury shall be composed of three women and three men. If all the parties of an action be women they may at any time notify the Clerk that all the jury be women and in such event the jury shall be composed of six women. If the rights of a woman or women who are not parties to the action are involved, such woman or women or any party to the action may apply to a judge for an order that one-half or all of the jury be women and the judge may make such order as to him seems proper, provided always that the notice and application for such jurors must be given or made at least twenty days before the opening of the sittings of the Court at which the trial is to be held.

Every man summoned and every woman who having signed a consent to serve as a juror who fails to obey the summons shall be liable to a fine not exceeding $50 or to imprisonment not exceeding thirty days or to both fine and imprisonment.

Public Officers' Protection.—By c. 9, any action against any public officer shall be subject to certain provisions the chief of which are as follows:

(*a*) The action must be commenced within six months next after the act complained of; in the case of a continuance of injury or damage within six months after the ceasing thereof.

(*b*) Where a judgment is obtained by the defendant it shall carry costs to be taxed as between solicitor and client.

(*c*) In an action for damages, tender and amends before the action was commenced may be pleaded.

(*d*) If in the opinion of the Court a plaintiff has not given the defendant a sufficient opportunity of tendering amends the Court may award the defendant costs to be taxed as between solicitor and client.

Liens on Goods and Chattels.—By c. 10, every person shall have a particular lien for the payment of his debt upon a chattel upon which he has expended his money, labour or skill at the request of the owner

Every warehouseman shall have a particular lien upon property stored with him for his proper charges, including carrier charges when the carrier

deposits the property with the warehouseman subject to the payment of charges.

Every wharfinger shall have a particular lien on the goods entrusted to his keeping for his lawful charges.

Every bailee, whether gratuitous or for reward, shall have a particular lien on the goods and chattels bailed to him by the owner thereof for any charges due to him under the terms of the contract or charges for care after the contract has run out, or if there be no contract after the expiration of the time specified in a notice given the bailor by the bailee to take the goods away. A judge may dispense with the giving of notice if the bailor's address be not known.

Active or constructive and continued possession of the property is essential to the existence of the lien. The right of a lien may be waived by an express agreement in writing based on legal consideration. A person may detain goods until he is paid and if the debt and storage charges, if any, remain unpaid for six months or if the goods are not removed at the expiration of the time fixed in the contract, the lien holder may, on not less than thirty days' notice to the owner, apply to a judge and he may make such order with respect to the sale and the manner of conducting same as to him seems just. If the goods are perishable the lien holder may apply to a judge for order for immediate sale.

In the event of a dispute as to the amount due or in the absence of the bailor the judge may fix the amount or direct an action to be brought.

The proceeds of a sale shall be applied first in payment of the expenses of the sale, then the lien holder's debt and the balance to the party entitled thereto. If not handed over forthwith such balance shall be paid by the person conducting the sale to the Provincial Treasurer and if not claimed within one year shall go to the General Revenue of the Province. Possession of goods and chattels before the passing of this Act shall be deemed possession under this Act.

This Act shall apply only to such cases of lien where there is not provision for realizing by sale in any other statute or where no provision is made in any other statute for determining the respective rights of the owner and the bailee.

Nothing in the Act shall modify or repeal the law respecting general liens.

Intestate Estates.—By c. 11, when any person dies intestate leaving lands in Alberta, or being domiciled in Alberta, dies intestate leaving personal property in the Province, and no person is otherwise than under this Act entitled thereto, then the person dying intestate shall be deemed to have made a will devising or bequeathing such property to the University of Alberta.

Provision is made for the handing over of the estate or its value to an heir or next of kin who within six years from the death of the intestate establishes his right, but after six years any such claimant is barred.

Maintenance of Children and Poor Persons.—By c. 13, "child" shall include illegitimate child and any child of any child and the child of a husband or wife by a former marriage. Father shall include grandfather and mother shall include grandmother.

The husband, wife, father, mother and child of every old, blind, lame, mentally deficient or impotent person or of any other poor person who is not able to work shall provide maintenance including food, clothing, medical aid and lodging for such person.

The father of and the mother of every child under the age of sixteen shall provide maintenance for such child. No such person shall be liable to provide such maintenance if he is unable to do so out of his own property or by means of his own labour, nor to provide such maintenance for any person who is able to maintain himself.

The husband shall be primarily liable for the maintenance of his wife and the wife for that of her husband. The liability of the mother shall not arise unless the father is unable and she is able to maintain the person in respect to whom the order is sought, nor shall the liability of the grandfather arise unless both the father and the mother are unable and he is able to provide such maintenance, nor that of the grandmother unless the father, mother and grandfather are all unable and she is able to provide such maintenance, and the liability of a grandchild shall not arise where any child is able to maintain such person.

Where any person is liable under this Act to maintain a child or any poor person and fails to do so then the Attorney-General or the Mayor or the Chairman of the Council of the city, town, village or municipal district in which such person resides may, upon application to a judge of the District Court in which such person resides, obtain a maintenance order against such person.

The Order may direct that the person shall be cared for by any person or persons or in a home, shelter or hospital or other institution, the period during which maintenance is to be paid, the instalments and the amount of such instalments, to what person or institution payments are to be made, that any one or more of the persons herein liable for maintenance of another, whether they are named in the proceedings or not, shall pay such maintenance or contribute thereto if it seems to the judge harsh or unfair that the person primarily liable should bear the whole or any part of the burden thereof.

Any person who wilfully fails to comply with the terms of an order shall be liable upon summary conviction to a fine not exceeding five hundred dollars and in default of payment to imprisonment not exceeding three months.

Municipal Hospitals.—By c. 15, any hospital scheme may, if so directed by the Minister, provide for the payment of such portion of the salary and expenses of one or more Public Health Nurses as may be determined by Order in Council. Such nurse or nurses shall be appointed by the Minister and shall carry out school inspection of child welfare and other work of a like nature under the direction of the Minister and shall be paid by the Department such portion of salary and expenses as may be directed by Order in Council.

Hospitals.—By c. 16, a Government grant from the first day of January 1920 is fixed at fifty cents per day for each person admitted to a hospital or treated therein. An extra *per diem* allowance may be made to every hospital which provides for the treatment of patients suffering from tuberculosis or any other special class of patients.

The local authority within whose area a person has had his home for at least three successive months before being placed in a hospital, if notified by the hospital within a reasonable time by registered mail, shall pay the hospital the public ward charge per day of that hospital, such charge not to include any fee to a doctor, and where the charge cannot be collected from the patient the maximum amount payable by a town or a municipal district shall be $200, and by a village, $100.

In the event of the death of a patient and his burial by the hospital the local authority shall repay the said hospital such sum as may be from time to time by the Minister.

If any local authority enters into an agreement with any hospital for the care and treatment of its residents for an annual sum, the terms fixed of payment fixed herein shall not apply.

Nurses' Registration.—By c. 18, every applicant for registration after the first day of May 1921, shall (*a*) have received at least three years' training in medical, surgical and obstetrical work at a general hospital or hospitals recognized by the Senate of the University of Alberta; (*b*) pass the qualifying examination required by the Act; (*c*) pay the fee of $5: Provided that any applicant resident in Alberta on the 18th day of April 1916, and then possessing a certificate of graduation from a hospital which provided for at least two years' training, need not comply with the requirements of (*a*) or (*b*).

Any person who is registered as a nurse under the laws of any other province, state or country may upon payment of the fee be registered without further examination, if the Senate of the University of Alberta is satisfied that the standing of qualification for registration required therein is at least equivalent to that required in Alberta.

The Senate of the University of Alberta shall:

(1) Satisfy itself that any person entering upon a course of hospital training leading to registration has passed the Grade VIII. examination of the public school course of the Province or has equivalent educational standing.

(2) Fix standards of training with regard to bed, capacity classes, lectures and other factors making for efficiency.

(3) Refuse recognition of any hospital in which such standards are not observed.

(4) Prescribe the subjects and scope of the qualifying examination and appoint examiners to conduct the same.

Public Health.—The Provincial Board is given power by c. 21 to make rules and regulations for the licensing, construction, maintenance, operation and inspection of and provision for medical attendance at maternity homes and the licensing of midwives and for the reporting, prevention and treatment of inflammation of the eyes of new-born children.

The Board is also given authority to make regulations respecting the payment of fees to medical practitioners for reporting cases of communicable disease.

Municipal Hail Insurance.—Subject to the provisions of c. 27 as to withdrawals and as to the non-inclusions of certain crops, all owners and occupants of land within the Hail Insurance District shall be insured against loss or damage by hail and shall be liable to assessment.

Where any person other than the owner or occupant of land whereon insured crops are grown has an interest in such crops, such person shall be insured against loss or damage by hail in accordance with the provisions of this Act.

Every owner or occupant must, before June 15, send in a crop report in a prescribed form and the lessee may send a report in lieu of the owner. In default of sending such report the Secretary Treasurer may make such report and charge the costs as Hail Insurance Tax.

Raw or unbroken land shall be considered to be withdrawn from the operation of the Act.

In order to get a rebate, notice of the crops destroyed from any cause other than hail must be sent to the Board not later than August 1.

Hail insurance is extended to September 30.

Claims, notices of which are not sent in before November 1 of the year, are barred.

Claims of 1919 and 1920 of which no notice has been sent in are barred.

The insured may, by notice after being insured and before the crop is destroyed or damaged by hail, increase the insurance from six to eight dollars, from six to ten dollars or from eight to ten dollars per acre, but such increase shall not be in force until the application reaches the Board at Calgary.

Where crops growing on leased lands are insured the owner or occupant shall have a first charge upon all the insured crops and security for the payment of the tax or so much thereof as is not payable with respect to crop payable to the lessor.

Provision is made whereby the lessor may enforce his charge upon a sufficient quantity of crop to discharge the said tax or part thereof.

Public Libraries.—By c. 36, in any city of a population of 50,000 or more where there is only one original or main library established under this Act, there may be paid to the Board in respect of one branch library a grant upon the same scale as is paid in respect of original or main libraries.

Workmen's Compensation.—In the case of any industry not within the scope of the principal Act upon the application of the workmen engaged therein or a majority thereof or of the employer, the Board, by c. 38, may bring the industry or workmen within the scope of the Act, provided that this provision shall not apply to the employers, in so far as any employees are concerned, excluded from the provisions of the principal Act.

In case of death or permanent total disability, or in case of permanent partial disability, where the impairment of the earning capacity of the workman exceeds 10 per cent. of his earning capacity at the time of the accident, no commutation of periodical payments shall be made except upon application of and at an amount agreed to by the dependent or workman entitled to such payment. The scale of compensation has been amended as follows:

Where death results from an injury, the amount of compensation shall be:

Where the widow or invalid husband is the sole dependent, a monthly payment of $35.

Where the dependents are a widow, or invalid husband, and one or more children, a monthly payment of $35 with an additional monthly payment of $7.50 for each child under the age of sixteen years, not exceeding in the whole $65.

Where the only dependents are children, a monthly payment of $12.50 to each child under sixteen, not exceeding in the whole $50.

Where the only dependents are persons other than those mentioned, a sum reasonable and proportionate to the pecuniary loss, but not exceeding $30 a month to a parent or parents, and not exceeding in the whole $65 per month.

Where the workman leaves no widow, or the widow subsequently dies and an aunt, sister or other suitable person acts as foster mother in keeping up the household, such foster mother shall be entitled to

receive the same monthly compensation for herself and the children as if she were the widow of the deceased, and in such case the children's part of such payment shall be in lieu of the monthly payment which they would otherwise have been entitled to receive.

Where permanent total disability results from the injury the compensation shall be a weekly payment during the life of the workman equal to 55 per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any such less period during which he has been in the employment of his employer.

Where permanent partial disability results from the injury, the compensation shall be a weekly payment of 55 per cent. of the difference between the average weekly earnings of the workman before the accident and the average amount which he is earning or able to earn after the accident, and the compensation shall be payable during the lifetime of the workman.

Where the impairment of the earning capacity of the workman does not exceed 10 per cent. of his earning capacity, the Board may direct that a lump sum be paid instead of the weekly payment.

Where temporary total disability results from the injury, the compensation shall be the same as for permanent total disability, but shall be payable only so long as the disability lasts.

Average weekly earnings shall be computed in such a manner as is best calculated to give the rate per week, but not so as in any case to exceed $2,000 per annum.

The amount of compensation to which an injured person shall be entitled for temporary total or permanent total disability shall not be less then $10 per week, or where his average earnings are less than $10 per week, the amount of such earnings.

Land Titles.—Provision is made in c. 39 whereby a person getting land by reason of adverse possession may file a copy of the judgment, and after three months the registrar, unless he is satisfied that an appeal is being taken, may cancel the certificate of title and issue a new one to the applicant.

An amendment provides a simple method whereby a registered owner may get rid of an execution which appears as a cloud on his title although it is against another person of the same or a similar name.

The owner makes and files with the registrar or sends to him by registered mail an affidavit in given form and the registrar forthwith notifies the execution creditor, or his solicitor, if in actual practice, that at the expiration of the time set out in the notice the execution shall be disregarded unless the execution creditor files a statement continuing the execution, in effect. The registrar may allow the person making the application a sum not exceeding three dollars in payment of his costs.

Agricultural Societies.—By c. 48 a new society shall not be formed unless its chief place of business is at least twenty-five miles from the chief place of business of any existing society.

Payment of grants has been amended as follows:

To each society of over one hundred paid-up members the grant is fifty cents per member up to two hundred members.

To each society holding an exhibition whose total expenditure for prizes exceeds $400 in the case of the first exhibition, and exceeds $500

in subsequent exhibitions, the grant is 60 per cent. of the amount actually paid out for prizes, but not exceeding $3,000. To a society holding a winter exhibition of poultry, the grant is 60 per cent. of the amount paid in prizes without limit as to total. To a society holding a horticultural exhibition of a combined field crop and clean seed exhibition, or a spring stallion show, the grant is 60 per cent. of the amount paid in prizes, not exceeding $300 for each. For a field grain competition, 60 per cent. not exceeding $250 and for a good farms competition 60 per cent. not exceeding $100.

Veterinary Surgeons.—By c. 49, graduates of any veterinary school or college approved by the Senate of the University of Alberta who have passed the examination prescribed by the Senate and who present to the Association a certificate to that effect signed by the Registrar of the University shall be entitled to be registered as veterinary surgeons.

The said Senate shall control the conduct of and all matters relating to the examination of candidates and may approve of certain veterinary schools or colleges as places of instruction, prescribe the conditions upon which any veterinary school or college may be approved, prescribe the subjects upon which candidates shall be examined, determine the fee which shall be payable by candidates and make rules and regulations respecting the times when examinations shall be held and respecting the applications of candidates therefor.

Domestic Animals.—By c. 50, every municipality may pass a by-law prohibiting the grazing of any domestic animals or any class thereof upon unfenced land other than land owned by the actual owner of the animals.

Any person shall be liable to a penalty not exceeding $100 if he, when taking his own animal from pasture, without the owner's consent takes or drives off the animal of any other person grazing with his own, or causes or allows any horses or head of cattle belonging to another person to be driven with his band or herd more than five miles from its grazing place, provided that such person shall not be liable if he at once drives back such animals to the place from which he drove them.

Every municipality shall be a pound district.

The Council of every municipality may by by-law direct that any or all domestic animals shall be prohibited from running at large in any part or parts of the municipality, and may in such by-law treat the animals which are not the property of residents as a distinct class from those owned by residents.

Any animal which is found grazing upon unfenced lands in any municipality contrary to the by-laws thereof shall be deemed to be an animal unlawfully running at large.

In every municipality the Council shall appoint pound-keepers and shall publish in one issue of a newspaper circulating in the municipality a list of the pound-keepers and shall in like manner publish any alterations in or additions to such list.

The pound or pounds to serve a municipal district may be located in a village or town lying within the outer boundary of the district.

Every municipality shall be responsible for the acts or negligence of the pound-keepers, or their agents, and shall be liable for all loss or damage resulting therefrom.

Any corral or enclosure other than a building used as a pound shall be surrounded by a lawful fence, but in no case shall an open barbed-wire

corral be deemed to be a suitable pound unless such contains an area of at least twenty acres.

A pound-keeper shall not be entitled to any remuneration exceeding in amount twelve dollars for the care and sustenance of any animal.

No person or persons shall conduct a round-up of livestock upon public grazing lands without the consent of the Minister, and upon the Minister giving his consent the Lieutenant-Governor in Council may provide such rules and regulations for the conduct of the same as may seem proper and convenient. Any person contravening any of such rules or regulations shall be liable to a penalty of not less then twenty-five ($25) or more than one hundred dollars ($100).

Travelling Shows.—C. 53 increases the licence fees payable to the Province by travelling shows.

Drainage Districts.—C. 57 is a new Act of 165 sections. The provisions of the Act generally are similar to those of the Irrigation Districts Act, the chief difference being that the irrigation rates are collected by the district and drainage rates are collected by the municipalities in which the various parcels of land are situated.

All drainage districts in existence shall be continued subject to this Act which calls for a new election of trustees within three months of the date fixed by Order in Council bringing the Act into operation.

A district may be formed on a petition to the Minister in a given form signed by the registered owners of at least one-half of the proposed area to be included, accompanied by a sum or bond sufficient to cover preliminary expenses. Upon receipt of petition the Minister may procure an engineer to make an examination and prepare a report and estimate as to cost. This report and notice of the application shall be published for three weeks, and if after two weeks from last publication, no substantial objection has been made, the Minister shall appoint a returning officer to take a vote as to the formation of the district and for the election of a Board of three trustees who must be voters of the district, twenty-one years of age and British subjects.

If the Minister for any reason decides not to proceed, or if the result of the election shows that less than two-thirds of those voting were in favour of the scheme, the costs shall be levied upon the petitioners in proportion to acreage, and shall be recoverable in a manner similar to drainage rates and the scheme dropped by Order, otherwise the district shall be formed by order of the Minister and the Board shall have power to appoint officers, define their duties, fix their salaries and exact security for the faithful performance of their duties. The Board may also pass by-laws for paying the members, for borrowing money for temporary purposes, and for imposing a special rate to meet emergency expenses.

There shall be a drainage council of one, two or three members appointed by the Lieutenant-Governor in Council to advise the Board, and no by-laws shall be submitted for the issue of debentures and no debenture money shall be spent, no contract entered into and no rate of assessment made without the consent of the Council. A debenture by-law shall be carried if two-thirds of those voting are in favour of it. If satisfied the Minister may assent in writing to the raising of the loan, in which case the form of debenture and the rate of interest and the sale price shall be subject to the approval of the Provincial Treasurer, which approval shall be in writing.

The proceeds of debentures shall be paid directly into a bank to the

credit of such person as the Lieutenant-Governor in Council may direct, or may be deposited with the Provincial Treasurer and invested in provincial securities and no portion shall be paid out except on the application of the trustees with the approval of the Council.

Pending a sale of debentures, money may be raised with the consent of the Minister by deposit of the debentures as security. If necessary to complete any work supplementary debentures may be issued.

The Board shall, not later than the first day of February in each year, make an estimate of the amount required and pass a by-law imposing a drainage rate upon each parcel of land in proportion to the estimated benefit derived. A collector's roll shall be made out showing the rate chargeable against each parcel of land. A copy for that portion of the district in each municipality shall be sent to the Secretary and the taxes shall be levied and collected and arrears recovered by the municipality the same as municipal taxes and the proceeds remitted to the Secretary of the District, less 1 per cent. for collection, before the first day of December in each year.

The person owning or occupying land must keep the drainage works free from obstructions through his land, or pay for the removal of such if done by the Board.

Full procedure is given for the conduct of elections, including polls, form of ballots, instructions as to voting, returns and recounts, also for voting on debenture by-laws, for the expropriation of lands and for the realizing of executions against a board of trustees. The Act shall come into operation upon such day as may be fixed by Order in Council.

Irrigation Districts.—By c. 62 trustees must be British subjects and voters of the district of the full age of twenty-one years. A number of amendments relate principally to the financial arrangements in reference to the levying of the rates.

The Registration of Names of Homes.—In c. 67 "Registrar" means the Deputy Minister of Agriculture. Any person owning a home in the Province and desiring to register same may advertise his intention in one issue of the *Alberta Gazette*, and may file a declaration in duplicate as per form given with the registrar setting out his name, address and description and the name selected, and the registrar shall, if satisfied that the person is entitled to the name selected, issue a certificate for the exclusive use of such name by the owner. Names identical or similar to any registered name may not be registered. The name shall attach to the land and pass with a transfer to the home unless reserved by agreement or relinquished by registration. If a person has designated his home by any name for two years prior to this Act and finds that another person has taken such name, he may apply to have the same name registered as the name of his home with the addition of some indicating locality, or he may apply to have the registration of the other person cancelled and the registrar, if satisfied that such person knew or ought to have known that he was registering a name used by another, may cancel such registration.

No person shall register as the name of his home or as part of the name of his home a registered brand unless he has been using such name to describe his home for at least two years prior to the passing of this Act.

No person shall register as the name of his home a pedigree prefix registered in the National Life Stock Records of Canada excepting the person having such prefix registered.

The registrar shall be entitled to a fee of two dollars for filing declaration and issue of certificate.

Any person violating any of the provisions of the Act shall be liable to a penalty not exceeding twenty-five dollars and in default to imprisonment not exceeding thirty days; but such provision shall not apply to any person who has designated his home for a period of two years prior to the passing of this Act by any name registered by another person.

3. BRITISH COLUMBIA.

[*Contributed by* H. G. GARRATT, ESQ., *Registrar of Joint Stock Companies.*]

Acts passed—76: Public—72; Private—4.

Animals.—C. 21 provides that goats used for service must be pure-bred, that is registered in the Canadian National Record for goats, etc., with certain exceptions specified.

Companies.—C. 10 consolidates the "Companies Act," amending Acts and certain other enactments relating to companies. Like the previous Act, the new Act is based on the Imperial "Companies (Consolidation) Act, 1908," but is rearranged and in the light of eleven years' experience amended to suit local conditions. The Province has under its constitution only a limited jurisdiction in regard to companies, and its powers have within the past few years been more clearly defined by Privy Council decisions.

The provisions as to unlimited companies, and for winding up under supervision of the Court, are omitted. All companies formed under previous Acts are brought under the new Act, which is also applied in part to certain special classes of company. Provincial corporations are given capacity to effect their objects outside the Province, power to hold property in joint tenancy, and power to make contracts of reciprocal insurance. The Act does not otherwise authorize the business of insurance, nor does it authorize banking, the construction and operation of railways or the business of a trust company (dealt with below). Companies are either public or private for the purposes of the Act. Public companies must be expressly authorized to acquire shares in another company, unless that is their real business, and cannot make loans to directors or shareholders, except in the case of a loan company.

Companies may be formed for any lawful purpose, except as above stated, but a club can be refused incorporation unless it has existed for a year and been properly conducted. The restrictions on commencing business apply only to public companies and are made more stringent. A minimum subscription must be such amount of cash as appears necessary for the company to have a reasonable prospect of success and such cash can only be expended for the purposes set forth in the prospectus, or statement in lieu of prospectus. Money received in respect of a minimum subscription is deemed to be trust funds and must be so deposited in a bank. Every director, unless he furnishes adequate excuse, must make a declaration that the statutory requirements have been complied with. The "statutory" meeting and report are prescribed only for public companies. No shares or debentures of a public company for which the consideration was property, services, etc., can be dealt with in any way prior to the statutory meeting.

Specific provision is made for the conversion of a public company into a private one. The converse process is made more difficult. Other forms of conversion are permitted, replacing the part of the Act which authorized registration of companies not within the Act. An additional method of reducing capital is enacted for the case of companies having terminating or wasting assets.

The legislation of the Province has for many years allowed certain trusts to be entered on the register and has removed the personal liability of executors, etc., and mortgagees, if entered on the register. These provisions have been made more specific to prevent abuse.

The requirements as to prospectuses are more stringent, so as to exact the fullest disclosure of a company's promotion and plans. The directors must, under the Act, keep proper accounts and lay balance-sheet (drawn up in accordance with the Act) before the annual general meeting. A company may be relieved by the Registrar from holding an annual meeting. Companies restricted to mining as laid down in the Act are permitted to issue shares at a discount.

All extra-provincial companies are required to register under the Act if they carry on business in the Province, that is, by having a resident agent or representative or a warehouse, office, etc., in the Province.

Companies may be dissolved by the Lieutenant-Governor in Council on sufficient cause being shown, by being struck off the register when defunct or in default under the Act, or by compulsory or voluntary liquidation. In the second case the Court may make an order restoring the company for a limited period or special purpose, as well as *in statu quo ante.*

No action can be brought against the Registrar without the leave of the Attorney-General for any official act. The Registrar cannot be compelled to attend out of his office as a witness or produce out of his office documents in his custody.

Table A has been altered in several respects, and a number of forms added in the Schedules.

Trust Companies.—C. 8 consolidates and revises the original Act of 1914 and subsequent amendments. Trust business is defined in the Act, and a company can be formed only under this Act to carry on such business. All trust companies, domestic or foreign, must be registered under the Act, but certain provisions only are applied to companies incorporated by the Dominion. Trust business includes the business of taking money on deposit, but banks and certain loan companies are exempted from the Act.

Companies formed under the Act must have a nominal capital of not less than $250,000; their objects must conform to the Act and their articles must contain certain provisions for the protection of shareholders. The Inspector of Trust Companies must be satisfied that the promoters have proper personal qualifications and that a new trust company is needed in the locality, where it is proposed to do business. Borrowing powers are restricted and no debentures may be issued.

Before registration is granted certain provisions must be complied with. Companies must be solvent and the Inspector is required to make a full investigation. A deposit as fixed by the Lieutenant-Governor in Council has to be made with the Minister of Finance (except by a Dominion Company) and is held for the security of provincial creditors.

The management and investment of funds held in trust or in any

official capacity or on agency are subject to strict requirements, and the company's books must be kept in a prescribed manner. Similar obligations are imposed in regard to moneys received on deposit. The range of investment of the company's own funds is also limited. The directors must make an annual examination and keep a chronological record of all investments, and file with the Inspector a full report. The Inspector is required to visit and examine every company, and under certain conditions registration may be revoked or suspended by the Attorney-General and Minister of Finance.

Constitutional.—C. 12 increases the salaries of Ministers holding portfolios to $7,500 and of the Premier to $9,000 per annum. Travelling and other expenses of members of the Executive Council without portfolio may also be paid. The indemnity for each session of the Legislature payable to members is raised to $2,000.

Education.—C. 56 makes further provision for establishing high schools and, as an intermediate grade between the public and the high school, superior schools. School trustees of different districts may co-operate. Provision is made for holiday teaching. Municipal Councils, after passing school estimates, are obliged to keep the funds in a special account so that any balance can be expended as and when school trustees think fit.

Elections.—C. 17 amends the "Provincial Elections Act," so that in the case of Vancouver and Victoria, the two principal cities of the Province, the nomination and ballot papers shall state what political party or interest the candidates represent. The representatives for each party or interest are to be grouped together on the ballot-paper.

Financial.—The stringency of money conditions is indicated by cc. 24, 32, 33 and 34, which amend Acts of previous years authorizing the Government to borrow for various purposes, by increasing the rate of interest which may be paid to 6 per centum. C. 35 authorizes a loan of $4,000,000 for further construction, etc., of the Pacific Great Eastern Railway and c. 31 a loan of $3,550,000 for refunding and other purposes.

Land Registration.—C. 26 consolidates and amends the law relating to the devolution of estates in and the transfer of and registration of title to land. Six land registration districts are defined with provision for increase or alteration. The officials for administration are an Inspector of Legal Offices and District Registrars and are placed under the Attorney-General. No Registrar is personally liable for official acts or compellable to attend out of his office as a witness.

Certain statutory rules respecting real estate are laid down. Execution of documents under seal, except in the case of a corporation, is unnecessary for the purposes of the Act. Unless otherwise expressed, two or more persons, other than executors or trustees, take as tenants in common. An owner may transfer to himself and another. Concurrence of the husband is not required in the case of a married woman acting as trustee, executrix, etc. The fee simple can pass without the use of the word "heirs," and is deemed to pass in the absence of words importing limitation. Estates tail are prohibited. Real estate vests on death in the personal representatives in every case but survivorship, and they become trustees for persons beneficially interested. As respects probate, letters of administration, costs of administration and the powers, rights, duties and liabilities of personal representatives, all enactments and rules of law are made applicable to the same extent as if real estate were a

chattel real, but the concurrence of all personal representatives or of the Court is required for a sale or transfer. At any time after the owner's death the personal representatives may assent to a devise or convey real estate to the person entitled. Vendors of land must give an agreement in a registrable form, and must register their own title to enable their purchasers to register. A co-owner may by leave of the Court obtain a lien on land where he has paid more than his just proportion of any purchase-money, etc., through default of another co-owner. Unregistered instruments pass no estate or interest at law or in equity, until registered, but merely the right to apply for registration, and an instrument operates from the date of registration, not of execution. Certificates of indefeasible title are conclusive evidence against the world, subject only to the exceptions and reservations set forth in the Act, and an action for ejectment lies only in certain specified cases. Registration of a charge, defined as any estate less than the fee-simple, including an equitable interest and an encumbrance, such as a Crown debt, judgment, mortgage or lien, is notice to every person dealing with the land. In the event of two or more charges being registered, priority is obtained by registration, subject to a contrary intention in the instruments. No one is fixed with notice of an unregistered interest, express, implied or constructive. Equitable mortgages by deposit of title deeds cannot be registered.

A conveyance need not be in a prescribed form, but must be properly executed and the execution proved as laid down. Where an attorney executes, the power must be filed with the Registrar. Full provision is made for the proper description of land conveyed, commencing with the Crown grant, and a Registrar may accept description by metes and bounds, by plan, etc. Plans must be based on a qualified surveyor's plan and in the case of a subdivision or right of way must comply with various requirements. Highways and parks may be dedicated by the filing of a plan.

Application may be made for registration of the absolute fee only or of an indefeasible title or of a charge. In most cases there must be produced a certificate that no municipal or provincial taxes are delinquent. All title deeds must be lodged with and are retained by the Registrar. A corporation may be required to prove its power to take or dispose of land. A good, safe-holding and marketable title must be established. Instruments creating trusts, etc., must be filed and a reference thereto entered on the register. A simple method of application to the Court where a Registrar refuses registration is provided. Charges are registered by endorsement of a memorandum on the register, but the prior title under agreements, etc., must always be registered. Registration of a final foreclosure order extinguishes all rights of the mortgagee under any covenant or otherwise. Where land is sold for taxes, the collector files a notice and provision is made for registration of the title of the purchaser. Caveats may be lodged in the cases specified.

The assurance fund, formed out of percentage fees on the value of land, for the compensation of persons wrongfully deprived, etc., is continued. Machinery for summary appeal from a Registrar's decisions is provided.

Marriage. — C. 36 authorizes the signature in blank of marriage licences by the Provincial Secretary and makes them valid even though the signatory ceases to hold office before the licence is issued. The amendment arose through the death of a Lieutenant-Governor, when it was

found that licences could not technically be issued until his successor had been appointed and taken office.

Medical.—C. 48 prohibits the practice of optometry, that is, the mechanical examination of the eye, prescription of glasses, etc., except by persons holding certificates under the Act. A " Board of Examiners " is appointed by the Executive Council, consisting of five persons, one of whom must be a registered medical practitioner. The Board is vested with powers to prescribe the course of training, to fix fees, etc. The title " optometrist " is restricted to persons certified under the Act. A certificate may be revoked for violation of the law, incompetency, inebriety, etc. The Act does not apply to physicians and surgeons.

Chapter 38 provides that qualified chiropractors, meaning graduates of a recognized school or college of chiropractic, who have also passed an examination satisfactory to the Medical Council in certain subjects may practise in the Province. Similar provision is made for the profession of drugless physicians.

Municipal.—C. 9 permits two or more municipalities to combine through a corporation called the " Board of Cemetery Trustees " for the purpose of establishing joint cemeteries, crematoriums and mausoleums.

C. 44 amends the " Municipal Act." Power is given to regulate the sale of non-intoxicating or soft drinks and to regulate and licence hotels, clubs, etc. The limit of borrowing power is increased to 20 per centum of the total assessed value of lands and improvements, plus the value of public undertakings owned by the municipality. The provisions as to audit of municipal accounts is revised. Power is given to enforce payment for land which has reverted to a municipality and subsequently been sold by it.

Natural Resources.—C. 21 amends the " Forest Act " so as to authorize the Minister of Lands to declare any area a pulp district, where the timber is suitable for the manufacture of wood-pulp or paper, and it is desirable that the industry should be established. The annual rental for a timber licence may be reduced. A bond for $50,000 must be furnished that a mill will be erected. Other provisions of the Act relate to the Forest Protection Fund and authorize assistance from the general revenue.

Pensions.—C. 60 establishes a system of superannuation of civil servants on pension, and makes provision for admission under the Act of municipal and schoolboard employees, and any employer who has made arrangements with his employees in accordance with the regulations. The scheme is based on equal contributions by the employee and employer, a deduction at the rate of 4 per centum being made from the employee's salary each month and interest at 5 per centum being credited half-yearly on the deductions. When the period for superannuation arrives, the total amount at credit is converted into an annuity according to the tables in force at that time. The plan is compulsory on civil servants, unless exempted, but contributions may be discontinued after 35 years. Civil servants may be permitted to make special contributions, which may be duplicated in the same way as the normal deductions from salary. The older servants may ask for a deduction up to 8 per centum according to age, and may also receive a gratuity in respect of service prior to the date of the Act. An allowance may be granted for the life of the contributor or for a term of years or for the joint lives of the contributor and any person nominated by him. Allowances are monthly

and cannot be assigned or charged. If a contributor dies, resigns or is dismissed before he becomes entitled to an allowance, the amount to his credit is returned.

The Minister of Finance is charged with the accounting and the Provincial Secretary with administration. Before any allowance is granted, the Civil Service Commission must find that the claimant is properly entitled. The age for retirement is 65 in the usual course or under that age in cases of mental or physical incapacity, and other special cases.

Prohibition.—C. 12 repeals the " Prohibition Act " and enacts in its place a measure for control and sale of intoxicating liquor by the Government, for which the electorate voted in the referendum of 1920. It is not strictly a " prohibition " Act.

The Government is empowered to appoint a liquor control Board and establish Government liquor stores. No liquor can be bought or sold for consumption except through the Board and the stores. Every purchaser must have a permit, which is not transferable, covering a year, a single purchase or a period of two weeks, for each of which a fee is payable. Power is conferred to cancel or suspend a permit. Every purchase is endorsed on a permit and must be paid for in cash. Liquor can be delivered only in an officially sealed package. Special provisions are inserted for cases, like physicians, dentists, druggists, etc. With certain exceptions all sale and purchase of liquor is prohibited, and no consumption of liquor in a public place is allowed, but a private room at an hotel is not a public place if the occupant is a *bona fide* guest. The Act does not apply to the export of liquor from the Province or to brewers, distillers, etc., licensed by the Government of Canada. Heavy taxation is imposed on importers and exporters, who must also be licensed.

The " police " and penal provisions are very drastic, for instance, as to seizure and search. The burden of proof is placed on the person charged with an offence, and severe penalties can be inflicted. Provision for the interdiction of drunkards, etc., is made.

The Act is administered by the Board, subject to the Executive Council. Periodical reports must be rendered by it to the Attorney-General and also by the police authorities. The profits, which are expected to be considerable, are to be utilized for the formation of a reserve fund and then divided between the Province and the municipalities, who must allot one-half of their proportion to the maintenance of hospitals and other special purposes.

Social Legislation.—C. 46 forbids the employment of women at night in any industrial undertaking, and c. 47 makes similar provision for young persons under eighteen.

C. 22 limits the hours of work in any industrial undertaking to 8 per day and 48 per week, subject to certain exceptions.

C. 19 forbids the employment in any industrial undertaking of boys under fourteen and girls under fifteen.

C. 37 forbids the employment of women for six weeks following, and confers certain rights for six weeks preceding, a confinement.

The operation of these five Acts is dependent on the other Provinces of Canada bringing into force similar legislation.

Cc. 5 and 14 raise the exemption of salary or wages liable to attachment from $40 to $60.

Solicitors.—C. 15 confers on solicitors a charge for proper costs and

expenses upon property recovered or preserved through their services, and the Court may make orders in the premises.

Tuberculosis.—C. 67 authorizes the Government to take over and operate as a public institution the Tranquille Sanatorium near Kamloops.

Unemployment.—C. 22 validates certain loans made by the Government to municipalities for relief of unemployment and authorizes further loans.

4. MANITOBA.

[*Contributed by* EDWARD H. CRAWFORD, ESQ.]

Public Acts, 149 ; Private Acts, 17.

Legislation for the year 1921 consists largely of Acts amending previous Acts. New legislation is set forth under s. (*a*) and amending legislation under s. (*b*).

(*a*) NEW LEGISLATION.

Boxing and Wrestling.—An Act to Regulate and Control Boxing and Wrestling Exhibitions (c. 4) creates the Board of Supervisors of boxing and wrestling, with power to supervise and control all boxing and wrestling exhibitions ; to grant licences for the holding of same ; to withhold permission to box or wrestle in public exhibitions without a medical certificate of fitness having been first secured. Penalties are imposed upon the boxer or wrestler.

Sale of Goods.—An Act respecting the Sale of Goods in Bulk (c. 5) is designed to prevent sale of goods in bulk without the consent of creditors. The purchaser is bound to obtain and the vendor is bound to deliver a written statement verified by affidavit setting out a list of creditors and the amount of the indebtedness. The transaction is valid provided (*a*) all creditors are paid in full or (*b*) at least 60 per cent. of the creditors in number and amount waive the provisions of the Act, or (*c*) at least 60 per cent. of the creditors in number and amount consent to the said sale when the sale is made with the consent of the creditors. All moneys received must be paid to a trustee for the benefit of the creditors, who distributes the proceeds as is done under the Bankruptcy Act. If no trustee is named in the consent, a County Court Judge has power to appoint a trustee. If the provisions of the Act are not complied with, every sale in bulk is deemed to be fraudulent and void as against the creditors and the burden of proof of compliance with the Act is upon the purchaser. Action must be taken within sixty days from date of sale.

Factors.—An Act respecting Contracts in Relation to Goods in the Possession of Agents or Others (c. 22) commonly called the " Factors Act," enacts that where a mercantile agent is with the consent of the owner in possession of goods or documents of title, any sale, pledge or disposition of goods made by him in the ordinary course of business is declared to be as valid as if expressly authorized by the owner ; provided the person taking under the disposition does so in good faith and without notice that the agent has not authority to do so. The consent of the owner is presumed in the absence of evidence to the contrary. The consideration necessary for the validity of a sale, etc., by a mercantile agent may be either payment in cash or the delivery or transfer of goods or a document of title to goods; but where goods are pledged in consideration of a delivery

or transfer of other goods or a document of title to goods, etc., the pledgee acquires no right or interest in the goods so pledged in excess of the value of the goods, etc., when so delivered or transferred in exchange. The owner has the right to recover goods, etc., from the agent before any such sale has been completed and to proceed against the buyer for the unpaid portion of the purchase price. The provisions of the Act are in amplification and not in derogation of the common law powers of agents.

Foreign Exchange and Steamship Agencies.—An Act for the Registration and Licensing of Dealers in Foreign Exchange and Tickets for Passage by Steamships (c. 25), (known as the "Foreign Exchange and Steamship Agencies Act") provides that an application for licence to deal in foreign exchange must be made and a bond given for $3,000 before any person can engage in the business of a dealer in foreign exchange. Complaints as to non-delivery of moneys by the said dealer are to be made to the Attorney-General, who may compel production of books, etc. The Attorney-General has additional powers with regard to the inspection and supervision of the operations and business of all such dealers. This Act does not apply to the Chartered Banks, Canadian Railways, or Railway Companies or Corporations or Express Companies or to duly accredited agents of said companies.

Horticulture.—An Act to Encourage the Horticultural Industry in the Province of Manitoba (c. 29), known as the Horticultural Societies Act, permits the formation of Horticultural Societies in affiliation with the Manitoba Horticultural and Forestry Association, provided that the society has a membership of at least 25. Provisions are made for annual reports; grants to the Association and societies by the Legislative Assembly; the establishment of prize lists; the auditing of the books of the Association and societies. Moneys of the society cannot be expended except for the purpose of horticulture.

Noxious Weeds.—By the Noxious Weeds Act (c. 44) owners and occupants of lands are bound to cut weeds on lands and roads within defined areas. Railway Companies must cut down weeds on the right-of-way and on adjoining land belonging to the Company. Threshers must clean their machines thoroughly after the threshing so as to prevent seeds being scattered. Municipal Councils are compelled to cut down weeds on roads as defined by the Act. Provisions are made for the appointment of Municipal Weed Inspectors, their duties, expenses and remuneration. The inspector has power to order the cutting of growing crops in case of necessity, and to prohibit the renting of infested lands.

Seed Grain.—By an Act to enable Municipalities to borrow Limited Amounts of Money for Seed Grain Purposes (c. 65) Rural Municipalities are empowered to borrow up to $60,000 to furnish seed grain, such loans being secured by promissory notes given by the municipality, or by the issue and sale of debentures. The issue of debentures is not required to be submitted to the rate-payers. The terms of the debentures are set out, and the Lieutenant-Governor in Council is empowered to guarantee payment thereof. The province may lend money to the municipality on the security of promissory notes, which notes the municipality is empowered to make and deliver. All moneys so advanced are to be used only for the purchase of seed grain. No money is to be advanced to a tenant without the consent of the owner.

Agricultural and Community Districts.—The Agricultural and Community

Districts Act (c. 97) empowers the Lieutenant-Governor in Council upon petition to erect districts into agricultural and community districts; to incorporate the said district as a body corporate. Provisions are made for the election of trustees, the submission of money by-laws to the resident electors before bonds are issued, and the imposition of levies for capital expenditure and maintenance.

(*b*) Amendments

The Amusement Taxation Act (c. 1) provides for the collection of taxes by the owners of places of amusement and for the allowance of a commission for said collection; imposes a penalty upon owners of Billiard Halls and Bowling Alleys if the tax is not paid by patrons before their departure; and permits the Lieutenant-Governor in Council to make further regulations for taxation of Billiard Halls, Poolrooms and Bowling Alleys, and imposition of penalties on patrons for non-payment of tax.

The Church Land Act (c. 7).—The amendment permits trustees of religious societies and churches to convey land and property belonging to such society or church to an incorporated board of the denomination of which society or church forms a part provided the assent of the said church or society has been obtained. If religious societies or churches unite, land and property may be transferred to the new society or church upon a similar assent being obtained.

The Companies Act (c. 8).—An amendment to the Act (R.S.M. 35) requires that every floating lien or charge created by any bond, debenture, or other instrument on any personal property of the Company shall be void as against *bona fide* purchasers or mortgagees or an authorized trustee under the Bankruptcy Act unless an affidavit is filed within 21 days after the creation of the lien in the proper County Court, showing the total amount secured by the bond, etc., a general description of the property and a true copy of the bond. The provisions of the Bills of Sale and Chattel Mortgage Act *mutatis mutandis* to the affidavit. A further amendment permits a company to pay commission on Sale of Shares, provided the directors by by-law authorize such payments.

Contracts relating to Land.—An amendment permits the recovery of interest or taxes or premiums of Fire Insurance or moneys paid therefor.

The Co-operative Association Act (c. 10).—Permission is granted to associations selling wholesale to sell on such terms of payment as may be deemed expedient. An association selling retail must sell for cash unless in special individual circumstances the directors by resolution authorize the sale on credit and then only for a period of ninety days from date of first purchase on credit. The directors may pledge the credit of the association for any purpose incidental to the carrying on of the business. Bonds or debentures cannot be issued for this purpose. The Act is rendered applicable to all associations. Provisions are made for the establishment of "Locals."

The Corporation Taxation Act (c. 11).—The amendment cancels the right to credit payments under the Insurance Act. A tax of 2 per cent. is imposed upon any person, partnership, firm, syndicate, trust association, corporation or company carrying on business in its own name or, through agents, on the net income from all sources derived, arising or accruing from the said business "*originating and completed within the Province.*" (There is considerable doubt as to the extent and scope of

the italicized words.) Deductions are allowed for salaries, personal services, rentals, taxes, actual losses and depreciation, etc.

The Dairy Act, 1915 (c. 13).—Power is given to the Lieutenant-Governor in Council to make regulations to license milk and cream testers and to grade and standardize milk and cream.

The Distress Act (c. 14).—The right of mortgagees and vendors of land under agreement of sales to distrain for interest or rent is limited to the goods and chattels of the mortgagor or purchaser and only to such goods as are not exempt from seizure under execution.

The Power Act (c. 15).—An administrator of an estate of an insane wife may consent to a disposition of the estate and has power on her behalf to execute the necessary documents and make affidavits. If a widow dies before election, time does not run against her personal representative until probate of the will or letters of administration have been granted.

The Electrical Power Transmission Act (c. 21).—Rural municipalities are permitted to enter into agreements with individuals in the municipality for the sale and delivery of electrical power provided the expenditure does not exceed $20,000. The commission has power to make regulations as to design, construction, installation, etc., of plants used or to be used by any individual or firm and may require such work to be done as it deem fit.

The Fire Prevention Act (c. 24).—The amendment permits the fire commissioner to appoint fire guardians in the event of unusually great bush or prairie fires and to recompense them for services and personal expenses. Hunters, trappers, etc., are bound to furnish information as to camping ground, etc., where fires were lately built and provides for the imposition of penalties for the failure to furnish such information.

The Home Economics Societies Act (c. 28).—Institutes under this Act are given power to hold lands, borrow money, hypothecate, mortgage or pledge real or personal property of the institute provided a special general meeting of the institute is called. Provisions are made for the dissolution of the institutes.

An Act Respecting Housing (c. 33).—Authority is given to municipalities to expend housing moneys received from the Province under the Act in making advances to aid veteran mortgagors or to assist in redeeming properties. Limitations are placed upon the amount to be advanced. "Veteran" is determined by the meaning attached to this word in the War Relief Act, 1918.

The Legislative Assembly Act (c. 38).—This amendment permits members to accept reimbursement of travelling expenses incurred in performing or conducting public business in pursuance of resolutions passed by the Legislative Assembly. By cap. 39 the indemnity for the members is raised from $1,500 per year to $1,800.

The Lunacy Act (c. 40).—A receipt given by an administrator to any person in possession of any portion of an estate of which the administrator is committee is rendered a sufficient discharge and release to such person without proof that, or without being required to inquire whether, the person whose estate is being dealt with is, or has been found, a lunatic or of unsound mind.

The Mental Diseases Act (c. 41).—This amendment creates a means whereby patients improperly committed or held in a psychopathic ward or hospital may obtain their release after examination by two duly quali-

fied physicians. It also provides for the payment of all the patient's expense if he has been improperly held.

The Mothers' Allowance Act, 1916 (c. 42).—Temporary loans in anticipation of the Municipal Commissioner's levy are authorized.

The Motor Vehicle Act (c. 43).—This amendment alters the age for an applicant for a driving licence to sixteen years for both sexes.

Provincial Lands Act (c. 45).—A municipality is permitted to purchase interests in provincial land at tax sales and to acquire title to provincial lands whether sold at tax sales or otherwise.

Public Amusement Act (c. 46).—The board is granted power to forbid the showing of films or slides depicting scenes injurious to public morals or against the public welfare and to order the destruction of advertisements of immoral films.

Public Libraries Act (c. 48).—Permission is granted to towns, villages or rural municipalities to establish libraries upon petition of the electors and power is granted to library boards to acquire buildings, rooms and property, etc., necessary for the carrying out of the purposes of the board.

Public Schools Act (c. 49).—This amendment contains provisions dealing with the annual meeting of rate-payers for the election of trustees ; annual school levies ; powers of councils of rural municipalities as to division, union and creation of school districts and dissolution of municipal school districts. C. 50 permits an additional levy for clerical work.

Manitoba Railway Act (c. 52).—The period of limitation for bringing actions is extended to two years, but this provision does not relate to any action brought against the railway upon any breach of contract, express or implied, for or relating to the carriage of any passengers or goods, or to any action against the railway for damages respecting tolls.

The Real Property Act (c. 53).—By this amendment the Lieutenant-Governor in Council may order discharge of mortgages where upon satisfactory proof it is shown that all moneys due and owing upon such mortgages have been fully satisfied and that the mortgage should be discharged. The Registry Act (c. 61) contains a similar provision.

The Manitoba Trustee Act (c. 80).—This amendment relieves trustees or assignees from liability in the distribution of trust estates for claims not filed after notice has been given of the intention to distribute said estate. A form of notice is set out in this Act.

The Municipal Hospitals Act (c. 96).—Whenever a scheme for the establishment of a hospital district has been approved by the Provincial Secretary, such approval must be reported to the Municipalities interested, who are required to introduce a by-law to be submitted to the rate-payers. The by-law is in force if 60 per cent. of the rate-payers vote in favour thereof. The capital expenditure and interest are then divided amongst the areas interested. The levy is not to be greater than two mills on the dollar.

Rural Credits Act (c. 62).—It is provided that where lands are sold on crop payments or deliveries, the lien given in respect of advances made under this act for seed grain purposes takes priority over the said crop payments or deliveries. C. 63 deals with the repayment of moneys advanced for construction of silos and repeals the proviso fixing the amount that a society may lend.

Provincial Savings Act (c. 64) permits the board of trustees to invest moneys in making loans to the Government of Manitoba for the purpose of lending said money to certain defined objects.

The Sheep Protection Act (c. 66) requires that notice of injury to sheep be given to the Municipality within 48 hours after the happening thereof.

The Soldiers' Taxation Relief Act (c. 68) provides that no applications for relief are to be received after December 31, 1921; that the relief and exemption granted by this Act enures to widows and total disability pensioners in respect of real estate which is the home of widow or of pensioner.

The Surveys Act (c. 74) allows the re-establishment of lost corners and the depositing of a record of the same in the Land Titles Office. The Registrar-General may give his approval, but only after notice has been given of his intention to do so. Provisions are also established for an appeal from the approval order.

The Treasury Department Act (c. 87) authorizes the Lieutenant-Governor in Council to guarantee bank advances to Municipalities, said guarantee to be given by Certificate of Provincial Secretary.

An Act Respecting Trust Corporations (79).—Trust Corporations are by this amendment authorized to act in bankruptcy and insolvency matters.

Unoccupied Lands Tax Act (c. 81).—Under this provision the tax rate is increased from one-half of 1 per cent. to 2 per cent.

The War Relief Act (82).—The provisions of the act are declared extended until May 31, 1922. Certain relief is given to creditor veterans and veterans desirous of redeeming property in which they have an interest.

Workmen's Compensation Act (c. 83).—New regulations are introduced dealing with the approval of compromises by the board; commencement of actions as tantamount to Notice of Claim; the filing of claims by the Board for the injured party; the liability of principals for sub-contractors.

The Municipal Act (c. 84).—The following are the main changes in this Act. Licence fees may be fixed or based on rental value; by-laws not assented to cannot be voted on within six months; the necessity of a loan to a Municipality need not be proved by a lender; the Municipality has power to hypothecate taxes for repayment of moneys advanced; by-laws to borrow money for purposes under the "Municipal Hospitals Act" or to make grants for hospitals may be passed without the authority of the rate-payers; notice of by-laws dealing with the opening of streets, lanes, etc., must be given and complaints in connexion therewith shall be heard by the council.

The Assessment Act (c. 87).—Provision is made for the assessment of various classes of land as follows:

Leasehold interest is taxable where the estate in fee simple by reason of a claim for exemption is not taxable; land in Rural Municipalities improved for farming, stock raising or market gardening and farm stock or market lands in or around cities, are assessed at full value; improved lands other than farm lands in Rural Municipalities are assessed at two-thirds value. Farm buildings and residences are assessed at two-thirds of their value but not for taxation purposes. The ground for exemptions are set out in the Act. The assessment of any year may be adopted for the following two years. Regulations are introduced for the revision of the assessment.

5. NEW BRUNSWICK.

[It is hoped to publish the Summary of Legislation in the next *Review*.]

6. ONTARIO.

[*Contributed by* JOHN DELATRE FALCONBRIDGE, ESQ., K.C.]

Acts passed—140: Public—93; Private—47.

The second session of the fifteenth legislature of Ontario extended from January 25 to May 3, 1921, being eleven days longer than the session of 1920, but resulting in a substantially smaller volume of statutes.

Public Inquiries.—The Public Inquiries Act is amended (c. 4) by prohibiting the bringing of an action to restrain or interfere with commissioners conducting an inquiry under the principal Act. If the validity of a commission or the jurisdiction of the commissioners or any decision or order of the commissioners is called in question or objected to, the commissioners are required to state a case in writing, and the case is to be set down for argument before the Appellate Division of the Supreme Court of Ontario, and is to be finally decided by that Court.

Financial Measures.—The Succession Duty Act and the Mining Tax Act are amended (cc. 10, 11), and the taxes on banks and other institutions under the Corporations Tax Act are increased (c. 12). By the Land Transfers Tax Act, 1921, a tax of one-fifth of 1 per cent. of the purchase price is required to be paid by any party registering a conveyance of land (c. 13), a tax is imposed on billiard and pool rooms and bowling alleys (c. 14).

Companies.—The Companies Act is amended so as to require all companies incorporated outside Ontario and carrying on business within the Province to file an annual report similar to that heretofore required of companies incorporated in Ontario, and to pay the prescribed fees. The object appears to be to increase the public revenue, or to obtain desirable information, or both.

Mining.—Amendments are made to the Mining Act, chiefly with the view of assisting prospectors (c. 16).

Public Resources.—Large powers are conferred on the Minister of Mines, chiefly with the view of conserving the supply of natural gas (c. 17). An additional sum of five million dollars is appropriated for development work in northern and north-western Ontario (c. 18). The Minister of Lands and Forests is authorized to acquire land for reforestation purposes (c. 19).

Hydro-electric Power.—Provision is made for contributions by the Government to the cost of transmission lines and cables in rural districts (c. 21).

Highways.—An additional sum of seven million dollars is appropriated for highway improvement (c. 25), and amendments are made to the Provincial Highway Act (c. 27).

Agriculture.—The Agricultural Development Act, 1921 (c. 32), and the Farm Loans Act, 1921 (c. 33), make provision for loans to farmers.

Administration of Justice.—The appointment of women as police magistrates or deputy police magistrates in large cities is authorized (c. 41). Provision is made for the appointment of police magistrates with

extended territorial jurisdiction—that is, extending beyond the limits of one county (c. 42)—with the view of appointing men who can devote their whole time to the office in consideration of adequate salaries. Provision is also made for the appointment of a commissioner of police for Ontario (c. 45).

Marriage.—The Marriage Law Amendment Act, 1921, makes some changes with regard to the solemnization of marriage (c. 51). Persons authorized to solemnize marriage must now be registered in the office of the Provincial Secretary, and a heavy penalty is imposed in case of the solemnization of marriage by any person who is not so registered. The system hitherto prevailing of appointing private individuals (jewellers, etc.), as issuers of marriage licences is abolished, and henceforth licences may be issued only by the Provincial Secretary, or by the clerk of a city, town or incorporated village, or by a police magistrate in territory without municipal organization.

Support of Parents.—The Parents' Maintenance Act, 1921, constitutes an important innovation (c. 52). A son or daughter who has sufficient means to provide for his or her dependent parent is rendered liable for the support of such parent. A parent is "deemed to be dependent, where by reason of age, disease or infirmity he is unable to maintain himself." A police magistrate may make an order for payment of a weekly sum, not exceeding $20.

Legitimation by Subsequent Marriage.—The chief provision of the Legitimation Act, 1921 (c. 53), gives effect, with some qualifications, to the recommendation of the Conference of Commissioners on Uniformity of Legislation in Canada. *Non obstante* the famous resolution of the Parliament of Merton, the legitimation of children by the subsequent marriage of their parents is now the law in most of the English-speaking provinces of Canada, as, of course, it has always been the law in the Province of Quebec.

Illegitimate Children.—The Children of Unmarried Parents Act, 1921 (c. 54), provides for the appointment of a provincial officer to investigate cases of illegitimate birth, and authorizes proceedings to be taken before a judge for the purpose of ascertaining the facts and compelling the father, or the mother, or both, to pay for the maintenance of a child up to the age of sixteen years.

Adoption of Children. — The Adoption Act, 1921 (c. 55), provides a procedure for the formal adoption of a child. A judge may make an order of adoption, upon the application of the adopting parent or parents, with the consent of the lawful parents or surviving parent, guardian, etc., and of a provincial officer, whose appointment is provided for by the Act, and upon proof of the propriety of the adoption, having regard to the welfare of the child, etc. The result of adoption under the Act is to place the child, in most respects, in the same position as if he had been born in lawful wedlock to the adopting parents or parent.

Mothers' Allowances.—The Mothers' Allowances Act, passed in 1920, is amended (c. 79) so as to extend the benefits of the Act to various cases not heretofore covered—to a mother who has residing with her one child under fourteen in addition to another child over fourteen or a husband permanently disabled, also to a grandmother, sister, aunt or foster-mother who has the care of two orphan children. Provision is also made for a discretionary allowance in cases not coming strictly within the terms of the Act. When the Adolescent School Attendance Act, 1919, comes into

effect, the age limit for children in respect of whom allowances may be made under the Mothers' Allowances Act will automatically become sixteen years instead of fourteen.

Municipal Law. — The Ontario Telephone Act, 1918, is amended (c. 62) so as to permit the corporation of any municipality to carry on a telephone business as a public utility. The Municipal Amendment Act, 1921 (c. 63), contains many amendments of the Municipal Act, and the Local Improvement Act (c. 64) and the Assessment Act (c. 67) are amended in various particulars.

Ontario Temperance Act.—The most important change in this Act is the amendment (c. 73) permitting any person convicted of an offence to appeal to a county or district court judge. The Attorney-General may direct a further appeal to be taken to the Appellate Division of the Supreme Court of Ontario.

Employment of Children.—The Factory Act is amended (c. 76) so as to prohibit the employment, in a shop, of a person under fourteen years of age (instead of twelve years as under the principal Act). When the Adolescent School Attendance Act, 1919, comes into effect, the age limit will be further raised to sixteen years unless a special permit is obtained.

Other Labour Legislation.—The Minimum Wage Act (c. 78) and the Stationary and Hoisting Engineers Act (c. 56) are amended.

Lightning Rods.—A statute now regulates the sale and installation of lightning rods (c. 84).

Game and Fisheries.—Many amendments are made to the Ontario Game and Fisheries Act (c. 87).

Education.—The School Law Amendment Act, 1921 (c. 89), contains 15 pages of amendments of various statutes relating to education, including the Public Schools Act, the Continuation Schools Act, the High Schools Act, and the School Attendance Act. The Vocational Education Act, 1921 (c. 90), consolidates and extends various existing enactments.

7. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Thirty-five statutes were passed during the year 1921, of which fourteen were of a public nature.

Barristers.—By c. 9 provision is made for the admission to practise as a barrister, attorney and solicitor of the Supreme Court and Court of Chancery of Prince Edward Island of any barrister of a Superior Court in Great Britain or Ireland and of any barrister, attorney or solicitor of any Superior Court in His Majesty's Colonies.

Barristers of His Majesty's Superior Courts in any of His Majesty's Dominions in which the same privileges are extended to barristers of the Supreme Court of Prince Edward Island, shall be entitled to admission as barristers of the Supreme Court of Prince Edward Island on producing satisfactory evidence of their admission, good standing and good moral character.

Insurance Agents.—By cc. 11 and 12 fire insurance agents and life insurance agents are required to register and receive a certificate of authority from the Provincial Secretary before acting as such agents.

8. QUEBEC.

[*Contributed by the* Hon. Mr. Justice Fabre Surveyer.]

Acts passed—161.

Grants to Universities.—By No. 3, notwithstanding previous legislation, the Cabinet may authorize the Provincial Treasurer to pay to all or any of the three Universities, namely Montreal, Laval and McGill, one million dollars each in one payment, either in debentures or in cash, and to contract a loan or loans for the purpose of obtaining such cash funds.

Registration of Debentures of the Province.—By No. 4, the holder of such debentures may obtain the registration thereof by the Provincial Treasurer, upon complying with regulations to be made regarding fees and formalities.

Montreal Registration Division.—By No. 15, the three offices established for the registration of deeds affecting real estate on the island of Montreal are merged into one.

Property Qualifications of Legislative Councillors.—By No. 16, notwithstanding any provision of the British North America Act, it is sufficient for any member of the Legislative Council to be domiciled, and to possess his property qualification, in the Province of Quebec.

Public Officers.—No. 20 enacts provisions respecting the pensions of public officers belonging to the outside service, No. 21 authorizes the Government of the Province to take out insurance policies under the system known as " group insurance " upon the lives of all, or any special classes of public officers and employees of the Province.

Alcoholic Liquor.—By No. 24, a Commission composed of five members is incorporated to buy and sell alcoholic liquor, to control the possession, sale and delivery thereof, and to grant, refuse and cancel permits for the sale of liquor. No member of the Commission may have any interest in dealing in or in the manufacture of alcohol, spirits, wine or beer. All the property of the Commission and all profits earned by it shall be the property of the Province. Every authorized vendor and every licensee under the Quebec Prohibition Law and every licensee under the Quebec Licence Law must, before the expiration of his privilege or licence, make a statement to the Commission showing all the alcoholic liquor under his control, and put the same under the control of the Commission, under pain of confiscation without process of law. The Commission may sell such liquor and compensate the owner therefor. It is forbidden to sell in the Province any alcohol, potable or non-potable, spirits, wine or other alcoholic liquor with the exception of beer. Sales by the Commission of alcohol or spirits are limited to one bottle unless made to a person authorized to resell, or for industrial purposes. Sales of wine are not limited as to quantity. The sale and delivery of beer are forbidden, unless made by the Commission or by a brewer or other person authorized by the Commission under this Act. Alcoholic liquor may be administered to hospital patients who may be charged therefor, or sold by persons in charge of a trading post having a permit from the Commission. Wine and beer may be served in hotels or restaurants to be consumed during meals. Beer may be sold in groceries, in quantities of not less than a bottle, and in taverns by the glass, to be consumed on the premises.

Beer and wine may be sold at banquets. The Act imposes penalties for the violation thereof, and every action or prosecution for any offence thereunder shall be instituted in the name of the Commission or of the municipality where the offence has been committed. The Commission is not amenable to injunction, or to writs of mandamus, quo warranto, certiorari or prohibition. There shall be no appeal from any judgment rendered in prosecutions of actions under the Act, unless the Court which rendered the judgment has exceeded its jurisdiction, or the offender is liable to imprisonment only, or alcoholic liquor has been seized and confiscated. The appeal is to a judge of the Superior Court and must be taken within eight days of the judgment. If the appeal is by the defendant, he must deposit three hundred dollars. Unless otherwise provided, every prosecution under the Act shall be begun within two months from the commission of the offence if it took place within either of the cities of Quebec or Montreal; within twelve months if it occurred in the district of Saguenay, and within four months if it occurred elsewhere in the Province. However, confiscation of alcoholic liquor may be made at any time.

By No. 25, no alcoholic liquor shall be kept, possessed or transported in this Province except by or for the Commission, by those who have acquired it from or upon the authorization of the Commission, in or to private residences for personal consumption or by licensed distillers or brewers.

Licence Act.—By No. 26, ss. 903 to 1304 and ss. 1314, 1315, 1329 to 1333 of the Revised Statutes, 1909, and amendments thereof, are repealed, and a new law enacted in their stead.

Inspection of Butter and Cheese.—By No. 37, the Minister of Agriculture may appoint, at such salary as he may fix, an inspector-general of butter and cheese factories, sub-inspectors-general and inspectors. Every such officer shall be a person of experience and holder of an inspector's diploma from the Dairy School of the Province. His principal duties shall be to supervise the production and supply of milk as well as the manufacture of butter and cheese in dairy establishments. No one may act as head butter and cheese maker in a factory without obtaining from the Provincial Dairy School a diploma as a butter and cheese maker, and after January 1, 1924, a certificate from the same School as an expert milk tester. The establishment of the Dairy School and intermediate agricultural schools is provided for by No. 39.

Public Lands.—By No. 33, public lands classified as lands suitable for cultivation may be put by the Cabinet at the disposal of the Minister of Colonization, who, by No. 43, shall have charge of the administration and sale thereof. Every sale of such land shall be upon the condition that the acquirer shall clear and put in a good state of cultivation, in one block at least thirty acres in every one hundred. The acquirer must clear, each year, three acres but not more than five acres, unless previously authorized by the Minister to clear more. Letters patent shall not be issued until 30 per cent. of the area of the lot has been cleared in one block, of which at least five acres must be arable, and the other conditions of the location ticket have been fulfilled. The Minister may issue occupation licences as location tickets to intending settlers.

Municipal Strikes and Lock-outs.—By No. 46, disputes between employers and employees in connexion with the price to be paid for work done, or in course of being done, or with the dismissal of one or more employees

on account of their membership in any labour union, must be submitted to a board of arbitration appointed upon application by either party to the Minister of Public Works and Labour and consisting of representatives appointed by each party, and of a third arbitrator appointed by the two so chosen, or if they fail to agree by the Minister of Labour, who may also appoint a representative for the party failing to do so within five days after a requisition from the Minister. Penalties are decreed for employers who declare or cause lock-outs, employees who go on strike, and third parties encouraging either to persist in their unlawful attitude. In all other respects, the Quebec Trade Disputes Act applies.

Municipal Affairs.—By No. 49, every by-law passed by the council of any municipality except Quebec and Montreal, ordering a loan or a debenture issue, must be approved by the municipal electors who are owners of taxable real estate in the municipality, and by the Cabinet. Subject to the Alcoholic Liquor Act, every municipal corporation may make, amend or repeal by-laws to prohibit the sale of alcoholic liquor, and also to provide for the installation and operation of lighting, heating or power development systems, by means of gas or electricity, for the requirements both of the public and of individuals or corporations requiring the same in their houses, buildings or establishments. A municipality may take charge of and assume responsibility for any road situated in a neighbouring municipality, whenever it is interested in the repairing, improvement or maintenance of such road. The by-law to that effect, before coming into force, must be approved by the majority, in number and value, of the municipal electors who are proprietors of real estate, who will be bound under such by-law, to contribute to the cost of improvement and maintenance, of such road, and who have voted upon such by-law, and also by the council of the municipality in which the road is situated, and by the Cabinet. With the approval of the property owners liable for the expenses in connexion with such road, the council which has passed the by-law may repeal it, and hand over the road to the charge of the municipality in which it is situated at that date, without the consent of the latter, provided that the road be in good condition.

Lunatic Asylums for Soldiers.—By No. 78, the Cabinet is authorized to enter into agreement with the Federal Minister of Soldiers' Civil Re-establishment. The latter Department may establish, operate, maintain, control and direct in the Province one or more hospitals for the care, treatment and detention of former members of His Majesty's military or naval forces, who served during the war of 1914–18, and who are of unsound mind.

Public Charities.—By No. 79, the Quebec Bureau of Public Charities is established, under the authority of the Provincial Secretary. Its duties are (*a*) the carrying out of the Act in such a way as to assist public charitable works; (*b*) intimate and effective co-operation with public charitable works in aid of the indigent sick; (*c*) the investigation of applications for grants by charitable institutions; (*d*) the distribution and supervision of the use of the grants in money or aid of any kind granted by the Cabinet to recognized public charitable institutions; (*e*) the taking of the necessary measures for obtaining the deportation and repatriation of immigrants who are liable to be deported under the federal immigration Act. A charitable institution must, in order to benefit by the privileges conferred by the Act, secure recognition by the Bureau as a public charitable institution. It must allow free access, at the usual hours, to the place set apart for the indigent, to the director

of the Bureau or his representative. Except in urgent cases, specially recommended by the Cabinet, the aid granted by the Government may not, in any case, be more than one third of the total cost of the maintenance of the indigent persons received by a public charitable institution, which cost may be determined by the Cabinet, upon the recommendation of the Bureau. In order to receive Government aid, an indigent must, unless temporarily exempted by the Bureau, hand to the public charitable institution into which he is admitted an application for admission made by a relative, friend or protector, giving full details, and certificates from the Mayor or a councillor of his municipality, the minister of his church and, in the case of a sick indigent, of a physician. Whoever abandons an indigent person for the purpose of having him taken up by another person or a charitable institution, is liable to a fine. Registers of public indigents must be kept by the institutions. The cost of the maintenance of indigents is paid equally by the Government, by the municipality from which they come and by the institution which receives them. Municipalities may establish hospitals, homes or sanatoria for their residents and secure Government aid. The poor rates are to be paid to the municipal charity fund, one-half of which must be forwarded to the Provincial Treasurer, who, in turn, pays it to the Provincial Secretary. The Public Charities fund is composed of such rates, duties collected for licences for places of amusement, race-course licences, entry duties at race meetings, duties on bets and wagers and apparatus used for same. The Act will come into force by proclamation.

Bar of Quebec.—By No. 80, Bar examiners are appointed for three years instead of one. Pensions are provided for superannuated Bar librarians. Keeping an officer with a collection agency is prohibited. Cases against defaulting lawyers have precedence. Offences against the Act are outlawed by two years.

Municipality Sinking Funds.—By No. 81, municipalities which have borrowed without providing for a sinking fund or without having levied enough to form the required sinking fund, may by by-law, in the first case, create a sinking fund, and levy the amount thereof like any other real estate tax, or, in the second case, provide by levies upon the assessable property in the municipality, enough to cover the deficiency, and, in either case, borrow for one or the other purpose.

Insurance Act.—By No. 85, proposals for insurance must be made by the insured himself, a notary or a licensed agent. Mutual benefit associations may amalgamate on such terms and conditions as are approved by the Cabinet, and after publication in the Official *Gazette*.

Foundlings.—By No. 86, they may be entrusted by institutions to individuals who undertake to take care of them, and have the same rights over them as the institution. The latter may, for cause shown, recover possession of the foundling.

Examination of Witnesses.—By No. 88, a judge of the Superior Court may order that witnesses required in a case pending outside of the Province be examined under oath, and may order such witnesses to appear for examination and produce documents in their possession. The party petitioning for such examination may, however, be required to give security for costs. The surety may obtain a discharge by depositing in the hands of the clerk of the Court the amount of the costs due to the party or witness plus two per cent. poundage ; the costs or indemnity to be paid by the clerk upon production of the judge's order. The oath

shall be administered by a person authorized to receive the same. Otherwise, the Quebec rules of evidence will be followed whenever possible. If a witness resides more than one hundred miles away from a Court House, he may be examined in the locality where he resides.

Jewellers.—By No. 91, if objects sent for repairs or alterations be not claimed within three years, they are allowed to have them sold by an auctioneer. Notice of the sale must be given to the owner by mail at his last known address, and published in a French and English newspaper in the place or nearest thereto, describing the object, the name of the owner, the place of the sale and its date, which must be at least two weeks after the last notice. The proceeds of the sale, after payment of the repairs and costs of notice and sale, are forwarded to the provincial Treasurer.

Suits against Municipalities.—By No. 107, damage suits or penal actions against them must be preceded by a written notice given fifteen days before suit taken and within sixty days from the date at which the cause of action arose, and are outlawed after six months from the latter date.

Auditing of Municipal Accounts.—By No. 109, the audit must be ordered in January for the previous year, failing which it may be requested in writing by five rate-payers. The cost of the audit is to be borne by the secretary-treasurer in default, otherwise by the corporation or the rate-payers as the case may be. The secretary-treasurer in office must furnish all documents and if there is a shortage, it must be paid within fifteen days from the service by a bailiff of the auditor's report.

9. SASKATCHEWAN.

[*Contributed by* R. W. Shannon, Esq., K.C.]

Acts passed: Public—94; Private—8.

Local Government Board (Special Powers).—No. 13 re-enacts Part II of the Local Government Board Act and embodies some important new provisions. The Board is given additional powers with regard to municipal assessment and taxation and the refunding or readjustment of the indebtedness of a municipality or school district. A new section provides for the appointment in certain cases of an administrator to manage the affairs of a municipality or school district. Where land in a municipality, whose affairs are under inquiry by the Board, has been subdivided, wide powers are conferred upon the Master of Titles, on the recommendation of the Board, regarding the exchange of parcels held by any person for parcels held by the municipality, the cancellation, alteration or amendment of a registered plan of subdivision, the issue of title to lands, where the municipality is applicant, without payment of arrears of school taxes, the transfer of incumbrances where an exchange of properties has been directed, and the issue to the municipality of title to lands notwithstanding that an application has been made for title by the purchaser.

Bureau of Publications.—What was formerly a branch of the King's Printer's Department is now the Bureau of Publications under a chief officer to be known as the Commissioner of Publications (No. 14). The bureau is given charge of travelling libraries, the open shelf, the procuring of moving pictures for educational and other purposes, and the publication of advertisements and certain periodicals and pamphlets.

Bureau of Child Protection.—A Bureau of Child Protection is estab-

lished by No. 15, which also provides for the appointment of a Commissioner of Child Protection. This officer takes the place of the Superintendent of Neglected and Dependent Children. The bureau administers the Children's Protection Act, the Juvenile Courts Act and the Mothers' Allowances Act.

Vital Statistics.—An amendment to the Vital Statistics Act calls for the registration of decrees absolute for dissolution of marriage with the Commissioner of Public Health (No. 16).

Succession Duty.—By an amendment to the Succession Duty Act made in 1920, it was provided that no duty should be leviable on moneys received or receivable under a contract of insurance if such moneys were payable to the father, mother, husband, wife, child, daughter-in-law or son-in-law of the deceased and the aggregate amount of such moneys did not exceed $5,000. For this provision No. 18 has been substituted, and the exemption now applies only if the moneys are payable to the husband, wife, child, grandchild or mother of the deceased, and if the total amount of moneys payable under any one contract does not exceed $5,000. If, however, any one beneficiary receives more than $5,000 by reason of the deceased having effected two or more contracts of insurance on his life, the moneys received or receivable by the beneficiary under such contracts are not subject to exemption.

Liquor Exporters.—The annual tax payable for each place of business maintained in Saskatchewan by certain Dominion licensees has been raised from $1,000 to $5,000 (No. 21).

Exchequer Court.—No. 24 is a new measure intituled, An Act respecting the Exchequer Court of Canada. The Exchequer Court of Canada is given jurisdiction, in accordance with the provisions of the Exchequer Court Act (Dominion), in case of controversies between the Dominion and Saskatchewan and between any other province of the Dominion which has passed a similar Act and Saskatchewan.

Companies.—No. 33 contains amendments to the Companies Act made largely on account of a recent judgment of the Privy Council, *Rex* v. *Great West Saddlery Co.* (1921), 2 A.C. 91, wherein it was decided that provincial legislation requiring a Dominion company to become registered in the Province and imposing a penalty for carrying on business while unregistered is *ultra vires*.

Assessment Commission.—Another new Act provides for the appointment of a permanent assessment commission to be known as the Saskatchewan Assessment Commission (No. 45). *Inter alia*, the duties of the commission are to exercise general supervision over the administration of the assessment provisions of the municipal Acts of the Province and over all assessors; to advise assessors as to their duties; to prescribe a uniform system to be observed in the preparation of assessment rolls; to require municipal officials to make returns; to hear assessment appeals under the Village Act and the Rural Municipality Act; and to fix the equalized assessments of rural municipalities. The commission may order a reassessment when in its opinion the assessment is not in substantial compliance with the law or is not fair and equitable.

School Attendance.—The age at which a child may leave school has been raised from fourteen to fifteen years (No. 48).

Marriage Settlements.—By No. 62, which is new legislation, every marriage settlement hereafter entered into by a person residing in Saskatchewan must be in writing, signed by the parties thereto, accompanied

by an affidavit of execution and an affidavit of good faith, and registered within three months after execution in the office of the registration clerk for chattel mortgages in the judicial district within which the settler resides. Provision is also made for the registration of settlements made before the date on which the Act came into force, and of previous settlements made by persons coming to reside in Saskatchewan and of persons carrying on business in the Province though not resident therein.

Adoption of Children.—The Adoption of Children Act (No. 64) is also new. Any adult person may apply to a judge of the District Court by petition for authority to adopt an unmarried minor as his child. Certain consents must be obtained before an order is made and a certificate from the provincial officer is required in the case of a child under twelve years of age. The effect of the order as regards the rights and duties of the natural parents, the adopting parents and the child, and as regards the rights of succession to the property of the adopting parents and the adopted child, is set forth. A person resident out of Saskatchewan and adopted in accordance with the laws of any of the provinces of Canada has the same rights of succession to property as he would have had in the province in which he was adopted, save in so far as these rights conflict with this Act. Provision is made for the recording of all orders of adoption by the Commissioner of Public Health.

Administrator of Estates of the Mentally Incompetent.—The Administrator of Lunatics' Estates Act has been revised under this new title with consequent changes in the form of expression throughout the Act, *e.g.* "mentally incompetent person" and "mentally incompetent" have been substituted for "lunatic" and "insane" (No. 65).

Lightning Rods.—Another new enactment is contained in No. 67, an Act to regulate the Sale and Installation of Lightning Rods, which prohibits the sale of material or apparatus intended to be used for the protection of buildings from damage by lightning and the installation of such apparatus upon any building, unless by a person who has been licensed by the Fire Commissioner and who has filed with that officer a bond for $5,000. In addition to a licence fee of $50, a tax of 80 cents is imposed on every $100 acquired from sales.

Mothers' Allowances.—The Mothers' Pensions Act has been substituted by the Mothers' Allowances Act (No. 73). While the age of dependent children, for the support of whom an allowance may be paid, is restricted to sixteen years, the benefits of the former Act have been otherwise extended and, subject to conditions regarding residence in Canada and Saskatchewan, monthly allowances may now be paid to provide support or partial support for the dependent children of any woman who by reason of poverty is unable to take proper care of her child or children, and who:

(*a*) Is a widow or the wife of an inmate of a gaol or penitentiary, of an institution for incurables or for the feeble-minded or insane in Canada, or of a man who is permanently incapacitated by incurable disease or insanity from contributing sufficiently to the support of his family; or

(*b*) Being unmarried or a widow, has resident with her one or more such children who are orphans, and is the grandmother, sister, aunt, or other suitable person acting as the foster-mother of such children, and has not adequate means to care properly for them without the assistance of an allowance.

The Act also provides for reciprocal arrangements with other provinces, whereby an allowance may be granted to a person who has been in receipt of an allowance in another province and moves into Saskatchewan, or who has resided in another province and in Saskatchewan for periods which together equal the term required in the case of a resident in Saskatchewan.

Mental Diseases.—The Dangerous Lunatics Act has been revised in the same manner as No. 65 above, and is now intituled, The Mental Diseases Act. A few new provisions have also been introduced. Apprehension may take place without a warrant in the case of a person apparently mentally diseased and conducting himself in a manner which in a normal person would be disorderly. Another amendment provides that an alleged mentally diseased person or a person found to be mentally diseased shall not be confined in a gaol, lock-up, prison or reformatory while he awaits an inquiry or removal to hospital. Provision is made for the removal of a mentally diseased person to hospital on the authority of two medical certificates, and for the admission of voluntary patients (No. 75).

Temperance.—Numerous amendments have again been made to the Saskatchewan Temperance Act with the object of making it serve its purpose more effectively (No. 76).

Warehousemen's Liens.—No. 83, an Act to make uniform the law respecting warehousemen's liens, is new legislation, and has been passed in exactly the same form in which it was approved by the Commissioners on Uniformity of Legislation in Canada at their Conference last year.

Conclusion of the War.—The Conclusion of the War (Definition) Act, 1922, provides that, for the purposes of the Volunteers and Reservists' Relief Act, the conclusion of the war shall be deemed to have taken place on the tenth day of January, 1920 (No. 90). The Act in question stayed proceedings against volunteers and reservists until the expiration of two years after the conclusion of the war or after the discharge of the soldier, whichever should first take place, and it was found necessary to fix the date when the war should be deemed to have ended.

10. NEWFOUNDLAND.

[*Contributed by* THE HON. THE MINISTER OF JUSTICE.]

War Measures.—C. 5 repeals the War Measures Act, 1914, and all amendments thereof.

High Commissioner.—C. 6 authorizes the Governor in Council to appoint a High Commissioner for the Colony. It defines the duty of the said official, and also authorizes the Governor in Council to appoint such other officers and clerks to the High Commissioner's Office as he deems necessary.

D'Arcy Exploration Company, Ltd.—C. 8 ratifies an Agreement made between the Governor in Council and D'Arcy Exploration Company, Limited, of Britannic House, Number 23, Great Winchester Street, London, England. The Government grants to the Company for two years the exclusive right to prospect the unoccupied Crown Lands and search therein for petroleum oil, bitumen, natural gas and bituminous clays and shales, and for those purposes also the right of entry on ungranted Crown Lands is granted for the prospecting period. The Company is also permitted to make geological and topographical surveys, and to

remove samples. The Company has to furnish full reports of all such surveys to the Government.

The Company, by giving notice to the Government that it desires to test any part or parts of unoccupied Crown Lands entered by it, not exceeding in all 3,600 square miles, will be entitled to an additional three years to the prospecting period for the area respecting which notice has been given. The Company must, however, under pain of forfeiture, sink and vigorously prosecute at least one test well in respect of each area within six months after the expiration of the prospecting period. At the end of the said period the Company may select from any area such portions as it may desire for the purpose of obtaining a ninety-nine year lease from the Crown. One of the conditions of these leases is to pay one-eighth of the value at the casing head of all oil won by the Company during the term of such lease or leases.

The Company may obtain grants of surface land for right of way, wharves, etc., at 30 cents per area, and may construct, maintain and operate suitable pipe lines, telephone and/or telegraph lines, aerial ropeways, railways, tramways, roads and bridges; taxation not to be in excess of that paid by any other person ; free entry for plant for twenty years. The Company has to make returns each year to the Government.

The expression " Colony " is so defined in the Agreement as to include the Island of Newfoundland and also all territory over which the Government shall for the time being have governmental jurisdiction. The Company has liberty to transfer the Agreement, and all the rights conferred thereby to a syndicate or company approved by the Government. The customary arbitration clause is provided.

Pulp and Paper Corporation of America.—C. 9 ratifies an Agreement made between the Government and Pulp and Paper Corporation of America. The Company agrees to erect in Labrador a plant and other buildings for the manufacture of pulp, lumber and pulpwood with a capacity of at least 15,000 tons per year, and to spend in connexion with its operation in Labrador in each year $50,000. The Government will permit the Company to export pulpwood free of export duty for ten years from January 1, 1922, and after that date at the rate of $1 per cord. The Company may also export lumber free of duty for ten years from January 1, 1922, and after that date for one-half of the export duty and taxes payable in Newfoundland. The Government permits the free exportation of pulp and paper manufactured for twenty years from January 1, 1922. The usual clause for free entry of all materials for the original installation and further extension of the plant appears in the Act. The Government protects itself from any damages which may be claimed by reason of any defect in title to the areas referred to in the Agreement. The Government agrees to give a free grant of all minerals, except oil, petroleum and other oliferous products, on condition that application is made for same within five years from January 1, 1922, and that the total of such mineral areas so granted will not exceed one hundred square miles, the Company to pay 5 per cent. of the net profits as royalty. S. 10 provides for the manner in which profits shall be ascertained. The Company is to make returns within six weeks after the expiration of each year of the term, respecting the mineral operations. The mineral areas revert to the Crown on failure to operate continuously. Exemption from municipal taxation is granted for a period of five years. The Company is given the free use of all water powers within the areas

granted, also sites and rights of way on Crown Lands for their factories, plants, power stations, dams, shipping piers, warehouses, etc. They must, however, compensate private parties if they enter on private lands. If they are unable to agree with the owners, arbitration is provided. The Government may appoint inspectors to see that the terms of the Agreement have been adhered to. If the Company fails to erect the plant for the manufacture of lumber and pulpwood within five years from January 1, 1922, and if after erection it fails to continue to operate the same, the Agreement becomes void.

Dominion Iron and Steel Co. and Nova Scotia Steel and Coal Co., Ltd.—C. 10 confirms an Agreement made between the Government and the Dominion Iron and Steel Company and the Nova Scotia Steel and Coal Company—the Companies operating the ore mines of Bell Island. The export tax on all ore exported from Bell Island to Nova Scotia is limited to 25 cents per long ton. The exportation of iron ore to any part of the world, except Canada, is permitted free for twenty years on the condition that the Companies expend during the first five years $3,000,000 in improvements and extension of the plant at Bell Island, in developing a water power at Colinet, and in erecting a coal depot at St. John's. If the Companies fail to carry out these conditions they pay 10 cents per long ton. This tax is made retroactive. The Companies may have a further period of free exportation for two years if they notify the Colonial Secretary that they intend to erect a smelter capable of producing 100,000 tons of pig iron per year. But, if the Companies do not proceed to erect the said smelter within the period of two years, they must pay 10 cents per long ton on all ore exported. This said tax is made retroactive. If at any time after the period of seven years the Companies decide to erect the smelter and give notice accordingly, they will be entitled to exemption from the tax on exportation of ore to any part of the world for two years, and if at the end of the said two years they erect the smelter a similar exemption from taxation while the smelter is continuously operated. If the Companies export one million tons of ore in any one year to Nova Scotia, they may export ore to other places in Canada free of duty, provided the condition to spend $3,000,000 is performed.

All materials for the construction and erection of the smelter and for the manufacture of coke, pig iron or steel are admitted free of duty, except tools specially used and peculiarly adapted to the manufacture of coke, pig iron or steel.

The Government grants exemption from the Business Profits Tax, War Income Tax and other taxes of a similar character. Exemption from municipal or local board taxation is granted for a period of ten years, and thereafter not to exceed $10,000 in any one year.

The Government also agrees, if it is in its power to do so, to grant to the Dominion Iron and Steel Company, Limited, the water power rights at Colinet, subject to the terms of the Crown Lands Act.

The Companies agree to operate continuously the smelting plant to its capacity. The Companies agree to provide coal for the domestic requirements of Newfoundland, including the operation of the railway and manufacturing plants not consuming over 3,000 tons per annum at the f.o.b. prices paid for coal of similar quality at Nova Scotia ports. The Companies also agree to erect a coal depot at St. John's if the Government requests them to do so. They also agree to erect working men's

houses at Bell Island, and to submit the plans of such houses to the Government Engineer for approval.

The Agreement, if ratified by all the parties, applies to the Companies ratifying it, their successors and assigns, and also any Companies with which they may become merged or associated.

The Companies agree to pay 25 cents per ton on ore exported from Bell Island to Nova Scotia during the year 1920.

Municipal Affairs.—C. 13 is "An Act to Amend and Consolidate the Laws in Relation to the Municipal Affairs of the Town of St. John's." Under this Act the city of St. John's is declared to be a body politic and corporate. Its territorial limits are defined, and are greatly enlarged. The control and management of the city are placed in the hands of a Board consisting of a Mayor and six Councillors, who shall hold office for four years, and shall be paid annually $4,000: $1,000 to the Mayor, and the balance to be divided amongst the Councillors in accordance with their actual attendance at the meetings of the Council.

The right to vote for Mayor and Council is conferred on all British subjects (including female) of the age of twenty-one years and upwards who have resided in the city for one year, are rate-payers, not in arrears, and enrolled on the Voters' List, and not disqualified by mental incapacity. Bodies corporate with similar qualifications are declared rate-payers, and entitled to vote. The right to vote is conferred on each member of a firm not incorporated, and on non-resident rate-payers doing business in the city.

Any person who is qualified to be elected a member of the House of Assembly may be elected Mayor or Councillor who has resided in the city for one year immediately preceding nomination, and is a rate-payer.

No member of the Council is permitted, under penalty of vacation of his seat and a fine of $200, to hold any office, place or employment of emolument in connexion with the Council.

Power is conferred on the Council to make by-laws, and prescribe fines and penalties for breaches of regulations.

Meetings of the Council are to be held weekly, in public.

All property now held by the city is declared to be vested in the city, to be held by the city for public and common benefit and use of the city. Bannerman Park is declared to be vested in His Majesty, to be dedicated as a public park under the control and management of the Council. Certain other portions of land in and adjoining the city are declared to be vested in His Majesty and entrusted to the control of the Council for similar purposes. Bowring Park, the gift of Sir Edgar Bowring, is also dedicated as a public park. All Crown property situated within the city limits is vested in the Council, and placed under its management and control, with the exception of the property in the use and occupancy of the Government.

Power to open new streets, and control the development of lands, and the opening and developing of lands privately owned, is conferred on the Council.

The Council may lay water mains and sewerage pipes through any existing street of the city, and assess a proportion of the cost against the owners of all building sites. The Council is given power to alter, widen and improve streets, expropriate lands and buildings for such purposes, and borrow money for the purpose of such improvements.

The Council is given power to acquire lands for the use of the city,

and to lay out streets, parks, play-grounds, and to sell, lease or build upon said lands, and to use the general funds of the city for the purpose of building working men's houses. Full power regarding the building of streets is given to the Council, to deal with unhealthy places by expropriation, subject to compensation to the owners.

Every building lease hereafter made may be terminated by the lessee tendering to the lessor a sum equal to twenty times the amount of the annual rental, and every building lease heretofore made before the passing of the Act is subject to the condition that the lessee shall have the right throughout the currency of the lease to obtain an extension of the lease beyond its original term for a further term of years, or the purchase by the lessee of the freehold, or, if the privilege of extension has not been availed of, entitled to compensation for improvements made by the lessee or his assigns. A conciliation Board is provided for the purpose of determining the term of the extension, or the amount to be paid by way of rental.

Several lakes from which the city's water supply is taken are given into the possession and control of the Council, and the Crown lands within the watersheds of such lakes.

The care and charge of trees in the streets, and the planting of new trees, and the erection of drinking fountains are given to the Council.

The Council is given power to make rules and regulations regarding street traffic, covering vehicles for hire, scales of fees and the driving of cattle through the streets.

The Council has control of sanitation and all matters pertaining thereto.

Possession and control of the waters and watershed of Mobile River are conferred on the Council for the purpose of developing such water-power and generating electrical power.

The Council has power to borrow money for the purpose of building a public library.

All dogs must be registered at the City Hall, and all horses, whether used privately or for hire.

The Council is given power to raise, collect and receive the several rates, assessments, taxes, etc., namely: a City Tax paid annually by the owners of buildings within the city, a Ground Rent Tax, a Tax on Stock and Trade, a Vacant Land Tax, an Amusement Tax, a special Business Tax, a Bank Tax, a Fire Insurance Tax and a Poll Tax.

A Court of Revision is provided to revise the appraisements made by the appraisers every second year. Appeal may be made to the Supreme Court from the decision of the Court of Revision.

Government property, churches, schools and charitable buildings held and occupied by charitable institutions are not subject to taxation.

The Council is given power to issue Warrants of Distress through the City Clerk for the recovery of rates and taxes. All taxes are declared to be a preferential charge on the property of the debtor.

That portion of the Public Debt of the Colony amounting to $1,429,632·22 is chargeable to the city, the interest to be paid to the Minister of Finance and Customs half-yearly.

The Council has to pay $14,000 annually to the Government towards the maintenance of the Fire Department.

The Government has to pay to the Council annually $8,000 towards the lighting and sanitary improvements to the city, the annual road grants and such sums as may be due by Fire Insurance Companies under

the Business Profits Tax Acts and the Income Tax Act, also the duties on coal imported into the city.

The Council is required each year to prepare an estimate of its expenditure, and a statement of the means proposed for raising the money necessary therefor, and to present the same to the Governor in Council to be placed before the Legislature.

The Governor in Council may appoint the City Clerk a Justice of the Peace, and the City Clerk may take part in the debates of the Council, but has no vote.

The Auditor-General has power to audit the accounts of the Council, and his report shall be laid before the Legislature.

The duties of the City Clerk, the City Engineer, the Medical Officer, the Sanitary Supervisor and the Impounder are defined in detail. The duties of the Solicitor of the Council are also defined. He must be a barrister of at least five years' standing, but is not precluded from practising his profession.

The Council has power to establish a Pension Fund for the purpose of pensioning officials who have served the Council for at least ten years continuously.

Several sections of the Act deal with building and housing regulations, respecting alterations, use, light and ventilation, cellars, basements and the heights of buildings, and the submission and approval of plans before erection. The Council has power to inspect all buildings to see whether they are reasonably fit for habitation. In certain sections of the town buildings must be erected of non-combustible material. Provision is made regarding the erection of chimneys, smoke stacks on boilers and furnaces, etc.

Other sections of the Act deal with party walls, ancient lights and the erection of stables.

Venereal Diseases.—C. 14 is "An Act for the Prevention of Venereal Diseases." Venereal diseases are defined. Any person so infected must place himself or herself in the care of a medical practitioner, or of the Medical Health Officer, under penalty of fine or imprisonment, and when so affected shall abstain from marriage, sexual intercourse or any conduct likely to affect another person. Every person under arrest may be compelled to undergo a physical examination, to ascertain whether he is affected with any venereal disease, and, if so found, the Medical Health Officer shall give directions as to treatment, and for his detention and isolation, if necessary. If the Medical Officer is aware of any person affected with venereal disease, he shall give notice to such person requiring him to consult a medical practitioner, and to produce a certificate from the medical practitioner that he is or is not suffering from venereal disease. If such certificate is not produced within the time specified he may authorize a medical practitioner to examine him, and, if the person examined is suffering from venereal disease, may cause his detention and isolation. Power is given to the Health Officer or a qualified medical practitioner appointed by him in writing, to enter any house or premises for the purpose of making inquiries as to the state of health of the persons therein, and may have any person therein infected with venereal disease removed to hospital.

Medical practitioners giving treatment for venereal diseases are required within two days of their first visit to send a report to the Medical Health Officer. The Medical Health Officer is required to distribute

information in relation to venereal diseases to medical practitioners, hospitals and the persons infected. Parents or guardians of children having venereal diseases shall be responsible for compliance with the requirements of this Act. Persons affected with venereal disease shall not engage in the trade of baker, waiter, butcher, confectioner, cigar-maker, cigarette-maker, or the handling of foodstuffs or confectionery. Druggists are not permitted to prescribe for venereal diseases. Secrecy must be preserved by every person engaged in the administration of the Act. Certain penalties are provided to make this section more effective. The Governor in Council is empowered to make regulations for the better carrying out of the provisions of this Act, for the prevention, treatment and cure of venereal diseases, which shall have the force of law when published in *The Royal Gazette.*

Lotteries.—C. 19 is an amendment of the law respecting lotteries, so as to enable lotteries to be held for charitable, social, educational, athletic, or other similar purposes, under licence granted by a Stipendiary Magistrate, who may attach conditions respecting the holding of any lottery.

Land Titles.—C. 21 enables any person claiming to be the owner of any land, or who claims any estate or interest in land, to have his title judicially investigated by the Supreme Court and to have a certificate of title granted. The procedure for bringing such applications before the Court is set forth in the Act in detail. There is a provision in the Act for publication in *The Royal Gazette*, or on the land in question, of notice of any application before a certificate of title is granted or a conveyance made. Adverse claimants are protected in their rights, and may be made parties to any action. When a certificate of title is given by the Court, sealed, signed and registered it shall be conclusive, and the title therein mentioned be deemed absolute and indefeasible on and from the date of the certificate as regards His Majesty and all persons whomsoever, and a copy of such certificate shall be admissible in evidence.

Particular facts such as the establishment of legitimacy, the validity of any marriage, relationship, or nationality, may be judicially investigated by the Court, and a declaration made thereon. Power is also granted to have a reinvestigation after the granting of a certificate if the aggrieved person can satisfy the Court for his delay. Appeal is given from the order or decision of a judge to the Supreme Court.

Tax on Goods.—Under c. 32 a tax of 5 per centum is placed upon the value of all goods imported into the Colony, including non-dutiable goods. The value of the goods for the purpose of taxation includes the invoice, cost and the freight and customs duty, with a proviso that the tax on flour shall be 3 per centum. These taxes are to be paid at the Customs. There is also a tax of 2½ per cent. on all goods manufactured in the Colony now the subject of excise tax, and a tax of 3 per cent. on all other goods manufactured in the Colony. The tax on goods the subject of excise duties is payable to the Customs. The tax on other goods manufactured in the Colony is payable to the Tax Assessor appointed under the Income-tax Act. The other sections of the Act provide the machinery for the collection of these taxes, and provide penalties for the non-compliance with the provisions of the Act and for any false allegations or information given the Minister of Finance and Customs or the Tax Assessor. Certain exemptions are provided for in the two schedules attached to the Act.

Income-tax.—C. 33 provides exemption from the payment of income-tax for the Governor, the judges of the Supreme Court, the judge of the Central District Court and clergymen of all religious denominations.

Revenue.—C. 34 is " An Act further to amend the Revenue Act, 1905." This amendment of the Revenue Act provides for the imposition of a surtax of 25 per cent. upon the total amount payable in respect of duties on goods imported into the Colony in addition to the surtax imposed by the Revenue Act of 1914, except in the case of duties on coal and on spirits and the excise duty on butterine, the former of which are subject to special duties, and the latter exempt from the payment of the 25 per cent. surtax. The Governor in Council is given power to suspend the operation of the surtax if it produces revenue in excess of public requirements. A tax of 5½ cents per pound on refined sugars and 4 cents on all other kinds is imposed. Two and a half cents per pound of this duty is to be placed to a separate account in the Bank of Montreal, and is to be held there for the purpose of liquidating the debt due by the Food Control Board on account of sugar purchased by that Board when it had control of the importation of sugar. The Governor in Council is given power when the said debt is liquidated to reduce the duty on sugar, by proclamation in *The Royal Gazette*, to 3 cents on refined sugars and 1½ cents on other sugars.

S. 6 of this Act provides for the imposition of a dumping duty equal to the difference between the selling price of any article for export and the fair market value for home consumption, provided the duty shall not exceed 25 per cent. *ad valorem.* Power is given to the Governor in Council to make regulations to prevent evasions of this section.

S. 7 of the Act provides for a tax on banks and banking corporations doing business in Newfoundland of one-half of 1 per cent. annually, to be computed on all moneys on deposit on December 31 of each year.

A tax of 5 per cent. per annum is imposed on premiums of fire insurance companies doing business in the Colony.

Exemption from duty is provided in the case of several articles used in churches, chapels, orphanages, and the Salvation Army Maternity Home.

11. BERMUDA.

[*Contributed by* Sir Reginald Gray, K.C., *Speaker of the House of Assembly.*]

Acts passed—74.

The last Compilation of the Laws of the Colony was published in 1903, and another is now in contemplation which will include practically the whole of the statute law from 1690 to the present time which is now in force. In preparation for it several series of Acts were consolidated in 1921.

Infants' Property.—Act No. 3 empowers the Chief Justice to decree the sale of land of which an infant is seised or possessed, or in which he is beneficially interested, and by order to vest the same in the purchaser.

Police Prosecutions.—Act No. 10 enables the Chief of Police, or any member of the police force detailed by him, to conduct a prosecution before a justice of the peace on a hearing for an indictable offence, or on a charge for an offence triable before a Court of Summary Jurisdiction.

Hospital Endowment Fund.—Act No. 13 requires the General Hospital Board of the King Edward VII Memorial Hospital to invest the Endowment Fund, which was raised from private sources, and to reinvest the income thereof for a period of twenty-one years, after which the income is to be paid into the public treasury towards the expenses of maintaining the Hospital, which was built at the public expense.

Armistice Day.—Act No. 15 provides for the observance of this day as an annual public holiday in all public offices of the Colony.

Aliens.—Act No. 19 enables the Governor to revoke on various grounds Certificates of Naturalization granted to aliens under the Alien Act, 1907.

Volunteer Force.—Act No. 36 provides for the reorganization of the Bermuda Volunteer Force which was established in 1892 under the name of the Bermuda Volunteer Rifle Corps, two contingents from which served in France during the war.

Liquor Control.—Act No. 37 makes it a penal offence to convey or assist in conveying intoxicating liquor on board any merchant ship bound for the United States of America, unless such liquor is shipped on a bill of lading or forms part of the ship's stores. The object of this was to protect the export trade of green vegetables to New York. Attempts had been made to smuggle liquor in packages of vegetable produce, and it was feared that a general search would be made of all packages, greatly to the detriment of their vegetable contents.

Registration of Bicycles.—Act No. 43 requires every bicycle to carry a registered number stamped or affixed on it, the object being to reduce the prevailing thefts of bicycles by increasing the chances of detection.

Credit with Crown Agents.—Act No. 49 provides for the remittance to the Crown Agents of £5,000 for maintaining a credit balance in their general account with the Colony, so as to save interest on advances. The credit balance is maintained by the monthly remittance of the amounts charged in the Crown Agent's monthly account.

Civil Service Establishment.—Act No. 50 authorizes the Governor to arrange for the reorganization of the Civil Service on the lines prescribed by the Act, and increases the former salaries practically to the extent of the bonuses paid on them during and after the war. This was unquestionably the most important Act of the year, and enabled a much-needed reform to be effected.

Liquor Licensing.—Act No. 57 consolidates and amends the previous Acts and makes an important change in the constitution of the licensing authority, which under the Act of 1908, No. 5, consisted of a justice of the peace and two residents of each of the nine licensing districts appointed by the Governor. The present Act increases the number of districts to eleven. The Governor appoints a Chairman of all the licensing authorities, and a justice of the peace or other resident in each district, and the remaining member of each licensing authority is appointed annually by the local Board of Health for the district, these local Boards being elected annually by the rate-payers. Any resident or owner of freehold property in a district, or a non-resident who is the owner or occupier of any property within one hundred yards of the premises for which a licence is applied for, may oppose the granting of the licence.

Investment.—Act No. 58 provides for the investment of £25,000 out of surplus funds in the public treasury, £15,000 towards a fund for the redemption of £50,000 raised in 1919 by the issue of Local Inscribed Stock,

and £10,000 for a reserve fund to meet any future extraordinary expenditure on public works or otherwise.

Plant and Bulb Diseases.—Act No. 59 provides for the protection of plants, bulbs and fruits by controlling diseases and pests, and by rigid inspection of importations.

Police Magistrates.—Act No. 60 provides for the appointment of a police magistrate for each of the three police districts, each of which comprises three parishes, and for weekly sittings in each district.

Gaols.—Act No. 61 consolidates and amends twenty-one Acts on this subject and effects a much needed reform.

Savings Bank.—Act No. 62 provides for a Post Office Savings Bank in substitution for the Savings Bank established in 1871 under the management of three District Managers.

Agricultural Inspection.—Act No 65 amends and consolidates sixteen Acts dealing with this subject.

III. AUSTRALASIA

1. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* Sir Robert Garran, K.C.M.G.]

Public Acts passed—43.

During the year 1921 the Commonwealth Parliament devoted itself mainly to tariff and financial measures. Of the 43 Acts passed 5 relate to Customs and Excise Tariffs and 23 (including 18 supply, appropriation or loan Acts) relate to finance. With the exception of the amending Navigation Act, the remaining legislation was of a formal or minor amending character.

Tariff.—The most notable measure of the year was the Customs Tariff (No. 25). It repeals, as from March 25, 1920, at 9 a.m. (the time when the tariff is deemed to have come into operation), all previous tariffs, except those relating to goods imported from and the produce or manufacture of South Africa. No duty imposed on those goods is, however, to be greater than that payable under the General Tariff imposed by the Act No. 25.

The proposals on which the tariff was based had been introduced in March 1920, and the Act validates collections of duty under the tariff proposals from that date.

The tariff has three scales, namely, British Preferential, Intermediate and General.

The British Preferential Tariff applies to goods, the produce or manufacture of the United Kingdom, which have been shipped in the United Kingdom for Australia and have not been transhipped, or, if transhipped, are proved to have been originally intended for Australia.

The British Preferential Tariff or the Intermediate Tariff may be applied to any part of the British Dominions and the Intermediate Tariff to any foreign country. Except in the case of New Zealand no such application can, however, take effect except in accordance with a resolution of Parliament passed after the Tariff Board (a newly constituted

authority to be referred to later) has reported on the question whether, having regard to the reciprocal benefits which have been or will be granted to Australia, it is desirable that the British Preferential Tariff or the Intermediate Tariff should apply. Any such application, when made, can only be varied in accordance with a resolution of Parliament.

In the case of New Zealand a special Act (Customs Tariff (New Zealand Preference) No. 27) was passed by which the Governor-General may, without any resolution of Parliament or reference to the Tariff Board, by proclamation declare that the British Preferential Tariff shall apply to goods imported from and the produce or manufacture of New Zealand. This was done in view of an anticipated early reciprocal arrangement with New Zealand, to avoid the delay necessitated by a reference to the Tariff Board, which had not then been appointed, and to Parliament.

The General Tariff applies to all goods to which neither of the others applies.

In some cases the operation of the duty is deferred until a date (specified in the schedule) subsequent to the date of assent to the Act (December 16, 1921), and may be further deferred until such date as the Tariff Board specifies as being the date by which, in its opinion, the goods will be made or produced in Australia in reasonable quantities and of satisfactory quality.

The Excise Tariff (No. 26) imposes, as from March 25, 1920, new excise duties on beer, spirits, amylic alcohol and fusel oil, saccharin, starch, and tobacco. It follows the Excise Tariff, 1908 (No. 8 of 1908), as regards provisions relating to the imposition of duties, the validation of collections under Tariff proposals and substitutes for excisable goods.

The Tariff Board Act (No. 21) constitutes a Board, called the Tariff Board, consisting of three persons one of whom must be a person holding an administrative office in the Trade and Customs Department. The other members will probably be business men. The object of the Act is to establish a body of experts whose duty is to advise the Minister in relation to the interpretation of the tariff, its operation and effect, its amendment, and all matters affecting the encouragement of Australian industries by means of tariffs and bounties. The Board has no executive powers, but is simply authorized to inquire into and report on certain matters specified in section 15 of the Act. Those matters include, in addition to the matters referred to in the Customs Tariff (mentioned above), and the Customs Tariff (Industries Preservation) Act (mentioned below):

(*a*) The classification of goods under all tariff items which provide for classification under by-laws;

(*b*) The determination of the value of goods for duty under s. 160 of the Customs Act, 1901–1920;

(*c*) Any dispute arising out of the interpretation of any Customs or Excise Tariff or the classification of articles in any tariff, in which an appeal is made to the Minister from the decision of the Comptroller-General;

(*d*) The necessity for new, increased or reduced duties;

(*e*) The necessity for granting bounties for the encouragement of any primary or secondary industry in Australia;

(*f*) The effect of bounties;

(*g*) Any complaint that a manufacturer is taking undue advantage

of the protection afforded him by the tariff, and in particular in regard to his :

(i) Charging unnecessarily high prices for his goods ;
(ii) Acting in restraint of trade to the detriment of the public ; or
(iii) Acting in a manner which results in unnecessarily high prices being charged to the consumer for his goods ; and

(*h*) The general effect of the working of the tariffs, the fiscal and industrial effects of customs laws and any other matter affecting the encouragement of primary or secondary industries in relation to the tariff.

Upon receipt of any report from the Board the Minister may, if he thinks fit, take action according to law in respect of the subject matter of the report.

To enable the Board effectually to exercise its powers under the Act, it is given power to summon witnesses and require the production of documents, and heavy penalties are provided for failure to give evidence or produce documents or for any act which would prevent the Board obtaining the evidence it requires.

The Act is to commence on a day to be fixed by proclamation and is to continue in force for two years only.

The Customs Tariff (Industries Preservation) Act (No. 28) (the Anti-dumping Act) aims at preventing the dumping of foreign goods in Australia to the detriment of Australian industries.

The Act purports to achieve its aim by means of the imposition on goods exported to Australia of special duties referred to respectively, as :

(*a*) The dumping duty (s. 4) ;
(*b*) The dumping below cost duty (s. 5) ;
(*c*) The dumping consignment duty (s. 6) ;
(*d*) The dumping freight duty (s. 7) ;
(*e*) The dumping exchange duty (s. 8) ;
(*f*) The dumping preference duty (s. 9) ; and
(*g*) The dumped materials duty (s. 10).

In all cases, except those of the dumping preference duty and the dumped materials duty, before the special duty is imposed it is necessary for the Minister to be satisfied, after inquiry and report by the Tariff Board, that detriment may or will result to an Australian industry by the importation of the goods in respect of which the duty is imposed, and in all cases the Minister must be satisfied, after inquiry and report by the Tariff Board, that the conditions under which the special duty may be imposed exist.

The duty comes into operation in each case upon the publication by the Minister of a notice in the *Gazette* specifying the goods to which it applies.

The dumping duty is imposed on goods which are of a class or kind produced or manufactured in Australia, and which are being sold to an importer in Australia at an export price which is less than the fair market value of the goods at the time of shipment.

The export price is the price from the exporter to the importer in Australia (including f.o.b. charges in the country of export).

The fair market value is the fair market value of the goods sold in the country of export for home consumption in the usual course of trade plus f.o.b. charges in that country but not including excise duties.

The amount of the dumping duty is the sum representing the difference between the fair market value at the time of shipment and the export price. In cases, however, where the goods are purchased within six months prior to shipment, and the fair market value of the goods increases prior to shipment, the fair market value is to be the fair market value at the date of purchase.

Certain goods may be exempted from duty by regulation, namely:

(*a*) Goods which are not being produced in substantial quantities in Australia and offered for sale to all purchasers on equal terms;

(*b*) Goods in respect of which the difference between the fair market value and the export price does not exceed:

(i) Five per centum of the fair market value; or

(ii) Ten per centum of the fair market value if the Minister is satisfied that the exemption would not be detrimental to any Australian industry; and

(*c*) Samples.

The dumping below cost duty is imposed on goods produced or manufactured outside Australia which have been or are being sold to an importer in Australia at an export price which is less than a reasonable price.

The amount of the duty is the sum representing the difference between a reasonable price of the goods at the time of shipment and the export price of the goods.

A reasonable price is such a price as represents the cost of production of the goods plus 5 per centum plus f.o.b. charges. In certain cases the Minister may fix the amount of the cost of production.

The dumping consignment duty is imposed on goods which have been or are being consigned to Australia for sale and which may be sold at less than a reasonable selling price.

The amount of the duty is the sum representing the difference between the wholesale selling price in Australia and a reasonable selling price.

A reasonable selling price is a price ascertained on the following basis, namely: To the fair market value of the goods there are added the freight, insurance, landing and other charges, and the amount of duty payable under the Customs Tariff, plus 5 per centum on the aggregate of all the items mentioned. In certain cases the Minister may substitute for the fair market value the ascertained or estimated cost of production plus 5 per centum of such cost.

The dumping freight duty is imposed on goods exported to Australia, of a class or kind produced or manufactured in Australia, which have been, or are being, carried at rates of freight lower than the ruling rate by reason of their being carried in subsidized ships or at ballast rates of freight or freight free, or the granting of rebates, refunds and other allowances.

The rate of duty is 5 per centum of the fair market value of the goods at the time of shipment.

The dumping exchange duty is imposed on goods exported from countries having currency with a depreciated exchange value.

The rate of the duty is determined by a table in the Schedule to the Act and varies from $8\frac{1}{2}$ to 75 per cent. *ad valorem.*

The dumping preference duty is intended to protect producers and manufacturers in the United Kingdom who are in competition with pro-

ducers and manufacturers in other countries having a currency with a depreciated exchange value in comparison with that of the United Kingdom.

The duty is imposed on goods of the foreign country sold to an importer in Australia at an export price lower than the fair market value of similar goods made in the United Kingdom, when sold therein for home consumption, plus f.o.b. charges therein.

The amount of duty is a sum representing the difference between the fair market value in the United Kingdom and the export price.

The dumped materials duty is imposed on goods made from materials supplied by a country having a currency with a depreciated exchange value when the goods are sold to Australian importers at a price below the price at which the goods could have been made in the country of manufacture from materials of such country, and allowing for a reasonable profit.

The amount of the duty is a sum representing the difference between the actual selling price and the price representing the fair market value of the goods, if made wholly in the country of export from materials of that country.

In the event of the likelihood of an evasion of dumping preference duty or dumped materials duty by consignment of goods for sale in Australia the Minister may direct that the duty payable on those goods shall be a duty in an amount which will, in his opinion, assure that the goods will not be sold in Australia at less than a reasonable selling price as defined in s. 6 (dumping consignment duty).

S. 12 of the Act provides that the various duties shall be separately charged, but that the duty payable on any particular goods under ss. 4 to 7 shall not, severally or collectively, exceed 15 per centum of the value for duty of the goods as ascertained in accordance with the Customs Act.

The duties charged under the Act are in addition to such other duties (if any) as are payable under the Customs Tariff.

Finance.—On September 10, 1920, a Royal Commission was appointed to inquire into and report upon the incidence of Commonwealth taxation, and into and upon any amendments necessary or desirable with a view to placing the system of taxation upon a sound and equitable basis. The Commission submitted its First Report on October 27, 1921, and on December 10, 1921, a Bill, the principal object of which was to give effect, by amendment of the Income-tax Assessment Act, 1915–18, to certain of the recommendations of the Commission, was introduced in Parliament and became the Income-tax Assessment Act, 1921 (No. 31).

In accordance with the recommendation of the Commission, provision is now made for an averaging system for the ascertainment of the rates applicable to the income of primary producers, namely: Those engaged in the cultivation of land, the raising of animals and poultry and the manufacture of dairy produce from materials produced by themselves. When the scheme is in full operation the rate will be the rate applicable to the average of the amounts of taxable income derived by the tax-payer during the last five preceding financial years from primary production. The tax will, however, be payable on the amount of the actual taxable income of the tax-payer for the financial year.

The new system will commence partially to operate in respect of the financial year ending June 30, 1923, in respect of which the average of the

amounts of taxable income for the two last preceding years will form the basis. One year will be added yearly until 1926, when the system will be in full operation.

Rebates of tax are now allowed where a person is liable to income-tax under the Commonwealth and in the United Kingdom or under the Commonwealth Act, in the United Kingdom and in a State. This provision is the complement of the practice in operation in the United Kingdom. Where a tax-payer is liable to pay Commonwealth and British tax and the Commonwealth rate is greater than one-half the British rate:

(*a*) Where the Commonwealth rate is greater than the British rate the rate of rebate is one-half the British rate.

(*b*) Where the Commonwealth rate is not greater than the British rate the rate of rebate is the excess of the Commonwealth rate over one-half the British rate.

Where tax is payable under the Commonwealth Act, in a State and in the United Kingdom, and the sum of the Commonwealth rates is greater than one-half the British rate, the rate of rebate is the proportion, which the Commonwealth rate bears to the sum of the Commonwealth and State rates, of:

(*a*) One-half of the British rate—where the sum of the Commonwealth and State rates is greater than the British rate;

(*b*) The excess of the sum of the Commonwealth and State rates over one-half the British rate—where the sum of the Commonwealth and State rates is not greater than the British rate.

The provisions as to rebates followed the proposal of the Commission.

In order to give relief to *bona fide* mining prospectors, exemption from tax has been granted in respect of the proceeds of the sale of any mining (other than coal mining) lease by a *bona fide* prospector or by a person, company or syndicate who or which does not make a practice of buying and selling mining properties, and who or which purchased the lease from a *bona fide* prospector and worked the property in a proper and efficient manner.

The Commission recommended the increase of the deduction for children from £26 to £30, and the increase of the special deduction in the case of single persons from £100 to £104, the deduction to decrease by £1 for every £3 by which the income exceeds £104 instead of £1 for every £5. This was accordingly done by the Act.

It has been suspected that in certain cases persons outside Australia, having branch offices or agencies in Australia for the sale of their goods, have been avoiding taxation by debiting the Australian office or agency with amounts for goods supplied by the principals which leave little margin for profit on the sale of the goods in Australia. Provision is therefore made in the Act by which the non-resident person is assessed and chargeable in the name of the agent, and where the Commissioner considers that the true amount of the taxable income cannot be readily ascertained he may assess and charge the non-resident person with a percentage of the turnover of the business done by him through the agent.

The Commission recommended that, in addition to the right of appeal to the Courts against a decision of the Commissioner or an objection against an assessment, Boards of Appeal be created to which the tax-payer would have the right to appeal instead of to a Court. Provision is accordingly made in the Act for the creation of such Boards, to consist of three persons

appointed by the Governor-General. The Act contains the usual provisions as to removal, suspension, etc., of members of a Board. An appeal lies from the decision of a Board on a question of law, and the Board may state a case for the opinion of the High Court on any question of law arising in connexion with an appeal before it.

The Act also exempts from the absentee provisions a resident of Papua, and exempts from tax income derived from sources in Papua and income earned in Papua by personal exertion by any person while there. Exemption from tax is also granted in respect of rebates granted by certain co-operative companies to their members.

The provisions as to Papua are deemed to have come into operation at the date of the commencement of the original Act.

The other provisions, except those relating to the rate of tax payable by primary producers and Boards of Appeal, apply to assessments for the financial year beginning July 1, 1921, and all subsequent years.

The Income-tax Assessment Act (No. 2) (No. 32) amends the Income-tax Assessment Act, 1918,[1] and debars from exemption under the 1915[2] Act persons who were on active service during the recent war, but who did not serve outside Australia.

The Income-tax Act (No. 33) imposes the same rates of income-tax as those imposed by the corresponding Act of 1920, with the exception that the minimum tax of £1 on incomes of single persons reaching £100 and those of married persons reaching £150 is removed. Those persons will, for the financial year commencing on July 1, 1921, simply pay tax on their taxable income estimated in the ordinary way.

The Funding Arrangements Act (No. 15) embodies the approval of Parliament to an agreement between the Imperial Government and the Commonwealth Government as to the manner and time of repayment of the war indebtedness of the Commonwealth to the United Kingdom, and an agreement between the Deputy Controller of Finance in the Imperial Treasury and the Secretary to the Commonwealth Treasury covering certain matters outstanding under the first-named agreement.

The Loans Redemption and Conversion Act (No. 18) authorizes the paying off, repurchase or redemption of any loans raised by the Commonwealth and authorizes the borrowing of money for that purpose.

Trade and Commerce.—The Trading with the Enemy Act (No. 23) is an amending Act of a formal character. It enables creditors of a business which is being wound up to make application to the High Court for the determination of any question as to the liability of the person, firm or company whose business is being wound up. The High Court had previously decided that it had no power to consider such applications. In order to prevent the initiation of new proceedings under the Act being barred by effluxion of time, provision is also made for the exclusion of the period of the war from the operation of statutes of limitation.

The War Precautions Act Repeal Act (No. 36) amends the Act of 1920[3] by continuing in force until December 31, 1922, the War Precautions (Companies, Firms and Businesses) Regulations so far as they relate to foreign corporations and trading and financial corporations formed within the limits of the Commonwealth. Otherwise the regulations ceased to operate on December 31, 1921.

[1] See *Review of Legislation*, June 1920, p. 38.
[2] *Ibid.*, Dec. 1918, p. 90.
[3] *Ibid.*, May 1922, p. 56.

The Act also repeals those provisions of the 1920 Act relating to agents of oversea companies and firms.

The War Precautions (Coal) Act (No. 22) extends until December 31, 1922, the operation of the War Precautions (Coal Regulations) referred to in the War Precautions Act Repeal Act, 1920.[1]

The Shale Oil Bounty Act (No. 6) extends for twelve months the operation of the Act of 1917.[2]

The Iron and Steel Bounty Act (No. 30) amends the 1918 Act[3] by substituting the Minister for the British Board of Trade as the authority to determine freight for the purposes of the Act.

Navigation.—The Navigation Act, 1920 (No. 1 of 1921), was passed in November 1920, but was reserved for the Royal Assent, which was proclaimed on March 3, 1921. The Act is an amending one, and makes extensive alterations in the 1912–19 Act.[4] The principal purpose of the amendments is to bring the principal Act into conformity with the provisions of the Convention for Safety of Life at Sea (1914), to remedy defects in the principal Act which have become apparent since the passing thereof, and to bring it into line with the provisions of the Imperial law.

In pursuance of the power to proclaim the commencement of the several parts, divisions, sections and schedules of the principal Act at different times, those provisions of the Act relating to the coasting trade were proclaimed to commence on March 2, 1920. Owing, however, to shortage of coastal shipping at the time great inconvenience and, in some cases, serious hardship would have resulted from the enforcement of the provisions.

The present Act, therefore, annuls the proclamation of the commencement of those provisions, and at the same time it saves the power to proclaim their commencement at some later date. The operation of certain regulations relating to manning and accommodation of ships engaged in the coasting trade is suspended by the Act until a date to be fixed by the Minister.

In order to prevent, as far as possible, a similar difficulty arising in the future, power is now given to postpone, prior to the date fixed, the date of commencement of any part, etc., of the Act.

An important section is also inserted in the principal Act whereby the provisions relating to ships registered in Australia apply to British ships whose first port of clearance and whose port of destination are within the Commonwealth. Shipowners will thus be prevented from evading the provisions of the Act by transferring their ships to some other British registry.

The principal provisions made in conformity with the Convention for the Safety of Life at Sea are those relating to safety certificates, protection against fire, backing power, and steering apparatus, life-saving appliances, improper use of signals, navigation near ice, response to wireless S.O.S. call, reporting of presence of dangerous ice or derelicts.

Under the Convention, safety certificates are issued to ships which comply in an efficient manner with the requirements of the Convention. The Act provides that the conditions of granting such certificates shall be prescribed by regulation and provides for an Appeal to a Court of

[1] See *Review of Legislation*, May 1922, p. 56.
[2] *Ibid.*, July 1919, p. 57.
[3] *Ibid.*, June 1920, p. 38.
[4] *Ibid.*, Jan. 1915, p. 27, and April 1921, p. 49.

Marine Inquiry if a shipowner is aggrieved by a refusal to grant a certificate. It is made an offence for a steamship carrying more than twelve passengers to go to sea or enter an Australian port unless a safety certificate has been granted in respect of the ship and is in force. Persons on board by *force majeure* are not regarded as passengers. There is also power to cancel a certificate of safety when it has been obtained by fraud or misrepresentation or where the hull or machinery has materially altered since the certificate was issued. Certificates are only issued for twelve months, but power is given to extend that period in certain cases. Power is also given to recognize safety certificates issued by other countries. For protection against fire steamships are required to be fitted with fire-proof bulk-heads.

Steamships of certain classes are required to have sufficient power of going astern to secure proper control of the ship when under way and efficient auxiliary steering apparatus.

Power is granted to give effect by regulation to the provisions of the Convention relating to Life-saving Appliances and Fire Protection. The regulations may, in particular, provide that ships shall be arranged and lighted with a view to safety ; that the crew shall be capable of working efficiently in case of accident or emergency, and shall be instructed in the duties which they are required to perform on such occasions.

The master is required to muster and exercise the crew in collision, boat and fire drills, as prescribed.

It is an offence for the master of a ship to bring his ship into port so loaded as to submerge in salt water the centre of the disc indicating the load line.

Penalties are provided for the improper use of any call or signal of distress.

The master of a ship registered in Australia is required, under penalty, to navigate carefully when ice is reported in his vicinity.

An obligation is also imposed on the master of a ship registered in Australia or engaged in the coasting trade to render assistance to any vessel from which he receives the wireless S.O.S. signal. He is only relieved of his obligation where informed by the vessel sending out the call that his assistance is not needed, or where it is impracticable or unreasonable or unnecessary under the circumstances for him to go to the assistance of the vessel. The master of such ship is also required to report, to all ships in his vicinity and to shore, the presence of dangerous derelicts or ice in his course.

New provision is also made with respect to the carrying of wireless telegraphy apparatus by ships. The details are mostly left to regulation.

After a certain period also, it will be compulsory for seamen to be able to pull an oar and handle a boat.

As regards safety certificates, certificates of survey, wireless telegraph apparatus, and the regulations relating to safety appliances and protection against fire, power is given to exempt ships which by *force majeure* are obliged to make Australian ports.

In addition to those provisions relating to safety at sea, there are numerous provisions in the Act which are necessary owing to changes or progress made since the original Act was passed or owing to the original Act being defective. Thus, a ship carrying as a passenger a pilot proceeding to meet a vessel which requires his services is not for that reason only to be deemed to be engaged in the coasting trade. Again, a ship

trading between a port in one territory and a port in another territory may now be exempt from the coasting trade provisions of the Act. In addition to that provision, power is also given to grant permits to unlicensed ships to engage in the coasting trade, thus making it possible to ensure a shipping service to places which might otherwise become isolated.

Provision is also made for the granting of certificates of competency to motor engineers.

The provisions in the original Act relating to the employment of seamen in loading and unloading ships have been amplified. Definite provision is now made for the payment of ruling Australian rates of wages to shore labourers engaged in loading and unloading foreign-going ships, and if a sufficiency of shore labour cannot be obtained at those rates the crew may be used.

Aliens cannot now be employed in ships registered in Australia or the United Kingdom unless they produce satisfactory proof of nationality, and former enemy aliens (Germans, Austrians, Hungarians, Bulgarians or Turks) cannot be so employed at all.

Several amendments made by the Act improve the conditions of employment of seamen as regards discharge, time of payment of wages, right to wages in case of wreck, provision of refrigerating chambers for food, conveyance to port of discharge in event of illness, payment of wages in the event of sickness or injury, accommodation (artificial heating and mechanical ventilation, facilities for washing clothes, etc.), and payment of Australian wages to seamen employed on a foreign-going ship while the ship is engaged in the coasting trade.

Provision is also made for the withholding of certificates of discharge from seamen who desert, and disallowing the grant of a permit to sign articles to seamen whose certificates are so withheld.

Any of the provisions of the Navigation Act 1912–20 may be made inapplicable to aboriginal natives of any Territory of the Commonwealth.

Judiciary.—Consequentially on the Judiciary Act, 1915, being made permanent by the Judiciary Act, 1920,[1] the High Court Procedure Act, 1921 (No. 35), makes the High Court Procedure Act, 1915,[2] permanent. A change is also made in the method of summoning juries in connexion with proceedings before the High Court. The Registrar of the High Court now issues to a State sheriff a precept for the jury, and the sheriff empanels the jury, which is then summoned by an officer of the Commonwealth. Provision is also made for the payment of interest on judgment debts.

Conciliation and Arbitration.—The Commonwealth Conciliation and Arbitration Act (No. 29) is a small amending Act by which provision is made for the appointment, as Deputy Presidents of the Court, of barristers or solicitors of not less than five years' standing. A Deputy President may now also be appointed for any period.

Agreements certified and filed under the Act and awards will now be binding on the successors of parties to the agreements or of parties to the dispute, respectively.

Patents.—The Patents Act (No. 24) is an amending Act. Provision is made with respect to the term of patents and extension of the term of patents on the same lines as ss. 6 and 7 of the Patents Act, 1919, of the United Kingdom (9 and 10 Geo. V, c. 80). The Patents Act, 1903–21,

[1] See *Review of Legislation*, May 1922, p. 51.
[2] *Ibid.*, Dec. 1918, p. 94.

is extended to the mandated Territory of New Guinea in the same way as it extends to Papua, and rights of priority under international arrangements are extended to the legal representative or assignee of the patentee.

War Pensions.—The Australian Soldiers' Repatriation Act (No. 34) introduces a new principle in connexion with the granting of pensions. A pension is now payable to or in respect of a person the death or incapacity of whom was due to a cause which existed prior to his enlistment but which was materially aggravated by his war service.

Treaty of Peace.—The Treaty of Peace (Hungary) Act (No. 20) is in corresponding terms to the Treaties of Peace (Austria and Bulgaria) Act, 1920.[1]

Electoral.—The Commonwealth Electoral Act (No. 14) amends the Commonwealth Electoral Act, 1918–19,[2] and adds to those persons who, under the old section 70, were not eligible for nomination as members of the Commonwealth Parliament, any person who has resigned his seat in a State Parliament but who, if not elected to the Commonwealth Parliament, is entitled, under the law of the State, to resume his State seat.

2. NEW SOUTH WALES.

[This Summary of Legislation will be published in the next *Review*.]

3. QUEENSLAND.

[*Contributed by the* Hon. Littleton E. Groom, M.A., LL.M., *and* J. F. Gamble, Esq., B.A., LL.B.]

Acts passed—31.

Agriculture.—The Banana Industry Preservation Act of 1921 (12 Geo. V, No. 3) imposes certain restrictions in regard to the persons who may engage in, or be employed in connexion with, the cultivation of bananas. The Wheat Advances Agreement Ratification Act (12 Geo. V, No. 25) ratifies an Agreement between the State of Queensland, the Commonwealth of Australia and certain banks. The Agreement provides for the making of advances by the banks of the money required to pay for wheat delivered to the State Wheat Board in pursuance of the Wheat Pool Act, 1920 (11 Geo. V, No. 4). The banks agree to advance up to 5*s*. per bushel of wheat delivered to the State Wheat Board, and the Commonwealth guarantees to the banks that all such advances will be repaid by the State.

Air Navigation.—The Commonwealth Powers (Air Navigation) Act, 1921 (12 Geo. V, No. 30), refers the control of air navigation to the Parliament of the Commonwealth, but reserves the rights and powers of the State in regard to :

(*a*) The acquisition or ownership by the State of aircraft or ownership by the State of aircraft or aerodromes ;

(*b*) The use for the purpose of the Government of the State of aircraft operating within the State ; and

(*c*) Police powers.

[1] See *Review of Legislation*, May 1922, p. 55.
[2] *Ibid.*, June 1920, p. 37 and April 1921, p. 46.

Animals and Birds.—The Animals and Birds Act of 1921 (12 Geo. V, No. 20) consolidates and amends the law relating to the protection of animals and birds. The Act authorizes the Governor in Council (*inter alia*):

(*a*) To declare certain lands to be a sanctuary in which it shall be unlawful to kill or take animals and birds or certain specified animals and birds, and

(*b*) To fix a period of close season for certain animals and birds either for the whole State or for any defined part thereof.

Taking or destroying birds' eggs is an offence against the Act; so also is taking or killing, or trafficking in birds or animals during the close season; but the Minister may permit persons to collect animals or birds or birds' eggs for scientific purposes, or to keep animals or birds in a state of domesticity or captivity, and the killing of birds or animals (except by poison) by a person on his own land for the protection of his crops is excepted from the provisions of the Act.

The Act also contains provisions relating to the licensing of trappers, bird dealers, etc., and the appointment of rangers.

Children.—The Infant Life Protection Act Amendment Act of 1921 (12 Geo. V, No. 18) is a short Act amending the Act of 1905. It authorizes the Director, State Children Department, to cancel the registration under the Act of any person for certain reasons, *e.g.* if he has been guilty of neglecting any infant in his care or charge, or is incapable of providing the infant with proper food and attention.

The section of the principal Act in regard to the adoption of infants is repealed, and a new section substituted, which provides that if any person (including the relative of an illegitimate child other than its parents) wishes to adopt a child under the age of ten years he must apply to the Director, State Children Department, for permission to do so, and such permission cannot be granted unless certain consents are obtained and the Director is satisfied that the welfare and interests of the child will be promoted by its adoption. When the adoption is approved a deed of adoption is prepared and lodged with the Registrar-General, and is duly noted in the register of births, and certificates of birth issued thereafter are issued in the name by which the child is known after adoption. Power is given to the Governor in Council, in his discretion, to cancel any adoption, whereupon the rights of the natural parents of the child are restored.

Constitution.—The Legislative Assembly Act Amendment Act of 1921 (12 Geo. V, No. 31) makes provision for the re-election without poll of members of the Legislative Assembly who resign their seats in order to seek election to the Parliament of the Commonwealth and subsequently fail to secure election.

Dairy Produce.—The Cheese Pool Act of 1921 (12 Geo. V, No. 27) provides, in the first place, for the holding of a ballot of the cheese producers and dairy farmers supplying milk to cheese factories to decide whether the Act shall come into force. A three-fourths majority is necessary to bring the Act into operation, and a similar majority is required to continue its operation after the first year. Provision is made in the Act for the establishment of a State Cheese Board consisting of five persons elected by the cheese producers and dairy farmers. The Board is to have power to arrange for the sale of cheese and to do all acts necessary for that purpose, such as appointing agents, arranging for

financial accommodation, etc. Once the Act is brought into operation, all cheese producers must deliver their cheese to the Board unless they are exempted therefrom by the Board. When making delivery they must produce a certificate from a State grading officer indicating the quality of the cheese. On receipt of the cheese the Board issues to the producer a certificate in the prescribed form, and may arrange for advances pending the sale of the cheese. The Board may cancel certain contracts for the sale of cheese, and may require holders of cheese to furnish returns in regard thereto. On the recommendation of the Board, the Minister may direct that no cheese shall be delivered to the Board before June 30, 1922, and thereupon every producer is required to deliver a weekly return to the Board showing the quantity of cheese manufactured by him during the week and the quantity sold, and the Board may compel any producer who has sold more than his quota, as determined by the Board, to purchase a specified quantity of cheese, or in default to pay to the Board a sum equal to the value of the specified quantity of cheese.

Holidays.—By the Anzac Day Act of 1921 (12 Geo. V, No. 13), Anzac Day (April 25) is constituted a National Holiday.

Income-tax.—The Income-tax Act Amendment Act of 1921 (12 Geo. V, No. 19) contains a number of amendments to the Income-tax Act of 1902.

Justices.—The Magistrates' Courts Act of 1921 (12 Geo. V, No. 22) repeals the Small Debts Acts, 1867 to 1894, and substitutes new provisions. The term "Magistrates' Court" is used instead of the term "Small Debts Court," and the Court is a court of record. The Magistrates' Court consists of a Police Magistrate sitting alone; but, if a Police Magistrate is unable to attend, one or more justices may hold a sitting of the Court. In this case, however, the jurisdiction is limited as follows:

(*a*) Where there is one justice, being a clerk of petty sessions—actions for amounts not exceeding £30;

(*b*) Where there is one justice who is not a clerk of petty sessions—actions for amounts not exceeding £10;

(*c*) Where there are two justices—actions for amounts not exceeding £100.

When the Court is constituted by a Police Magistrate it has jurisdiction to try personal actions and certain other actions for amounts not exceeding £200. If the amount involved exceeds £20 there is an appeal to the Supreme Court, but in the case of actions for smaller amounts the judgment of the Magistrates' Court is final.

Labour.—The Contractors' and Workmen's Lien Act Amendment Act of 1921 (12 Geo. V, No. 9) contains a number of amendments to the Act of 1906, the most important of which appears to be the extension of the Act to sub-contractors. Another amending Act is the Workers' Accommodation Act Amendment Act of 1921 (12 Geo. V, No. 26). The Workers' Compensation Act Amendment Act of 1921 (12 Geo. V, No. 29) extends the operation of the principal Act to share-farmers, and wages men employed by them; also to salesmen, canvassers, collectors and other persons paid wholly or partly by commission.

It is compulsory for employers to take policies from the State Insurance Office for the full amount of their liability under the Act. Where a worker is the sole or main support of a wife, husband, parent, brother or sister, it is provided that he shall receive at least £2 per week during total incapacity, and it is also provided that for each child under fourteen

years of age who is totally or mainly dependent upon the earnings of the injured worker at the date of the accident the sum of 5*s.* per week shall be paid during the disablement of the worker or until a lump sum settlement is made; but the total amount so payable in respect of children is limited to 30*s.* per week. The following diseases are added to the Table of Industrial Diseases in respect of persons employed in connexion with any hospital or ambulance brigade: Asiatic cholera, bubonic plague, diphtheria, measles, mumps, scarlet fever, smallpox, tetanus, typhoid fever, or other zymotic disease. Bakers' phthisis and millers' phthisis are added to the Table of Diseases in respect of which compensation is payable. The Act extends the powers of the Insurance Commissioner in regard to the recovery of amounts due, etc., and enlarges the power of the Governor in Council to make regulations.

Marriage.—The Maintenance Orders (Facilities for Enforcement) Act of 1921 provides for the enforcement in Queensland of Maintenance Orders made in England and Ireland and in certain other British Dominions and Protectorates and *vice versa*.

Mercantile.—The Second-hand Wares Act of 1921 (12 Geo. V, No. 23) relates to collectors of, and dealers in, second-hand wares. Every collector must be licensed and must leave his address with the police; he must also notify any change of address to the police and produce his licence when required. All wares purchased (other than bottles and syphons) must be kept for four days before being sold, and each collector must wear the prescribed badge and deliver it up when he ceases to be licensed. He is not permitted to sell his wares to any person other than a licensed dealer. If he uses a vehicle, his name and address must be painted on it, and he must not be accompanied by more than one person or by any person who is not a licensed collector. Any collector who enters any premises without the permission of the owner, or refuses to depart when directed, or uses insulting or offensive language, may be arrested without warrant and delivered into the custody of a police officer. The penalty for offences by collectors is a fine of £10 for the first offence and forfeiture of his licence on a second conviction. Dealers must be licensed and must have their names painted on the outside of their premises. They must keep books showing wares purchased and received and wares sold or disposed of, and must produce these books and also any wares purchased or received to a police officer if so requested. A dealer must immediately notify the police when any article comes into his possession which answers the description of an article described as having been stolen in any printed or oral information given to him by a police officer, and he must keep all wares for five days before disposing of them. If a dealer has reason to believe that articles offered to him for sale or exchange have been stolen, he may arrest the person offering the articles, and deliver the person and the articles into the custody of a police officer to be dealt with according to law. Provision is made for the police to enter and search the premises of any dealer in certain circumstances.

Mining.—The Miners' Homestead Perpetual Leases Act Amendment Act of 1921 (12 Geo. V, No. 16) makes provision for setting apart land on coalfields for miners' homesteads.

Police.—The Police Act Amendment Act of 1921 (12 Geo. V, No. 4) provides for the superannuation of members of the Police Force at the age of sixty years or on retirement owing to bodily injury or infirmity

before reaching that age. The amount of the allowance varies with the length of service of the member, £120 per annum being paid to a man who has had fifteen years' service and an additional £5 per annum for each year of service over fifteen years, the maximum allowance being £250 per annum. In the case of the death of a married man, his widow receives £60 per annum while she remains unmarried and £13 per annum for each child under fourteen years of age.

Sugar.—The Regulation of Sugar-cane Prices Acts Amendment Act of 1921 (12 Geo. V, No. 8) contains a number of amendments to the principal Act. They are, for the most part, machinery provisions, and relate to such matters as the duties of the check chemist, the minimum price to be paid for sugar-cane, the conditions under which sugar-cane may be refused by the owner of a mill, applications by mill-owners to be exempted from the obligation of carrying on the business of milling sugar from cane grown on lands assigned to the mill, and the taking over of mills in cases where mill-owners have failed to carry on operations.

Supreme Court.—The Judges' Retirement Act of 1921 (12 Geo. V, No. 14) provides that judges of the Supreme Court must retire on attaining the age of seventy years, and that judges appointed after the commencement of the Act shall not be entitled to any pension.

The Supreme Court Act of 1921 (12 Geo. V, No. 15) repeals (save as therein expressly provided) the District Courts Act, 1891, and the District Courts Act, 1897, and enacts new provisions. The object of the Act appears to be to substitute the Supreme Court, constituted by one judge, for the District Courts, and the persons holding office as District Court judges at the commencement of the Act become Supreme Court judges. The Act provides that judges of the Supreme Court may be required to act as judges of the Court of Industrial Arbitration. Power is given to the Governor in Council to constitute Supreme Court districts, and to order that sittings of the Supreme Court, presided over by one judge, shall be held within each district at specified times and places for the trial of civil and criminal causes. He may also constitute a Supreme Court Registry for each district. Unless the Governor in Council otherwise directs, not more than three judges must sit in the Full Court or in the Court of Criminal Appeal. The Act also provides for certain other matters, such as the removal of causes from one district to another, the admission of certain solicitors as barristers, and the making of Rules of Court.

Miscellaneous.—Acts were also passed relating to Loans, Inscribed Stock and Water Supply.

4. SOUTH AUSTRALIA.

[*Contributed by* A. J. Hannan, Esq., M.A., LL.B., *Parliamentary Draftsman, South Australia.*]

During the 1921 Session 47 Bills were passed by the South Australian Parliament. Of these one was a private Bill, and one, the Electoral Code Amendment Bill, was reserved for His Majesty's assent. Of the remainder, two, Nos. 1454 and 1455, were Supply Acts, and one, No. 1466, was the usual Appropriation Act. The Port Pirie Drill Hall Site Act (No. 1470), the Glenelg Soldiers Memorial Site Act (No. 1468), the

Lyrup Village Association (District Extension) Act (No. 1488), and the Moolawatana and Yandama Fence (Removal) Act (No. 1474) were semi-private in character and of purely local interest. The following measures were of an administrative character and effected amendments of minor importance and of no general interest, namely, the Dentists Act Further Amendment Act (No. 1489), the Garden Suburb Act Amendment Act (No. 1484), the Hospitals Act Amendment Act (No. 1497), the Juries Act Amendment Act (No. 1464), the Law Society Act Amendment Act (No. 1460), the Loans to Producers Act Amendment Act (No. 1458), the Marine Stores Act Amendment Act (No. 1472), the Public Charities Funds Act Amendment Act (No. 1465), the Redemption of Public Securities Act (No. 1487), the South-Eastern Drainage Act Further Amendment Act (No. 1481), and the Waterworks Act Amendment Act (No. 1473). The remaining 27 Acts are dealt with in the following Summary.

Audit.—The Audit Act (No. 1471) is a consolidation of the existing Audit Acts, with some small amendments. It is mainly of administrative interest, but some matters are worthy of comment. Special provision has been made to meet the case where Parliament has authorized works to be carried out by means of loan moneys but has not made any, or has made insufficient, provision for raising such moneys. In such case the Act provides that the Governor may appropriate and the Treasurer may advance the necessary moneys from any public moneys in hand. Any moneys so advanced must be included in the next Loan Bill submitted to Parliament, and the moneys raised by virtue of any Act passed on such Bill must first be applied to recoup the fund out of which the advance was made. By the Governor's Appropriation Act, 1911, the Governor is authorized to appropriate to the public service within the State any amount not exceeding in the aggregate £200,000 in any year before obtaining the approval of Parliament. Of this £200,000, not more than £50,000 may be appropriated to purposes which have not previously been authorized by Parliament. By the Act under review the Auditor-General is required to append to his Annual Report to Parliament particulars of every warrant appropriating any public moneys the expenditure of which has not been approved by Parliament or been authorized by the Governor's Appropriation Act, 1911. If, however, the provisions of the last-mentioned Act have been complied with and the limits prescribed by it have not been infringed, no details of the expenditure under that Act are required to be appended to the Auditor's report. Parliament has in effect presented the Government with a cheque for £200,000 to be spent as it thinks fit. The details of how this amount has in fact been spent are considered to be a political matter, and it is left to be dealt with by the Treasurer in presenting his Budget to the House of Assembly.

The name of the officer responsible for the administration of the Act has been altered from Commissioner of Audit to Auditor-General. This brings the title of the office into line with the title of the corresponding office in the other States.

Air Navigation.—The purpose of the Commonwealth Powers (Air Navigation) Act (No. 1469) is to enable the Commonwealth Parliament to perform its obligations under the International Convention for the Regulation of Aerial Navigation which was signed at Paris on October 13, 1919. Under the Commonwealth Constitution the Commonwealth Parliament has no powers with respect to aerial navigation, except the

implied power for defence purposes or the regulation of interstate trade and commerce. These powers do not go far enough to enable the Commonwealth to fulfil its obligations under the Convention, and it was accordingly agreed by the Premiers of the States in conference to exercise the power given them by the Commonwealth Constitution of referring the matter to the Commonwealth Parliament and thus giving that Parliament power to legislate upon it. Some considerable discussion has taken place among the States as to the terms of this reference, the States being anxious to reserve to themselves the control of aviation within their borders in so far as intrastate aviation might be carried on by the State and thus become a State instrumentality. The States were also anxious not to part with the so-called "police power" so far as it applied to aviation. Some of the States have passed legislation in one form, some in another. The South Australian Act follows on the lines of the Victorian measure. The grant of power to the Commonwealth Parliament is not at large, but is in express terms limited to any matter necessary or proper for fulfilling the obligations of the Commonwealth under the Convention and to interstate and international aerial navigation. Summed up, it may be said that the Commonwealth is given full power to carry out the terms of the Convention, whether involving legislation intrastate or interstate, and, for the rest, the Commonwealth's control over aerial navigation will be the same as its control under the Constitution over trade and commerce—*i.e.* it will be limited to aerial traffic with other countries and among the States. The Act will come into force by proclamation, which proclamation will not be issued until all the States have passed legislation to the same effect.

Irrigation.—The Irrigation and Reclaimed Lands Act Further Amendment Act (No. 1496) is purely an amending measure, and most of the amendments are of an administrative character and of little general interest. The principal Act has become important by reason of the great increase in irrigation areas along the river Murray due to the settlement there with Government assistance of a large number of returned soldiers. There have, however, been one or two alterations in matters of principle. Hitherto, in accordance with the provisions of the principal Act, the maintenance of embankments had been paid for out of loan moneys. This, however, is really not a capital charge, but a proper charge against revenue. It is therefore provided that the cost of maintenance is for the future to be paid out of General Revenue.

The principal Act provided that the irrigation areas, which are established by proclamation, should not include embankments. These, therefore, did not come under the control of the Board appointed for the management of the areas. Trouble soon arose from this arrangement, for when a settler, contrary to certain regulations made by a Board, interfered with a sluice-gate, and obtained water to which he had no right, it was found that he could not be prosecuted, as the sluice-gate formed part of the embankment, which was outside the Board's control. An amendment made by the present Act will enable embankments to be included as part of an irrigation area.

The only other amendment which is worthy of notice is an alteration in the basis of rating for water supply. This was formerly, as regards all classes of land, the unimproved value of the land. This was, no doubt, quite the proper basis for the rating of town lands; but, in the case of irrigation blocks, clearly the basis should be the area which can be

watered. Consequently an amendment has been made by virtue of which the water rate on irrigation blocks can be fixed at so much per acre of the irrigable area; the basis of rating for town lands remains as formerly.

Medical Practitioners.—The principal object of the Medical Practitioners Act Amendment Act (No. 1495) is to enable reciprocal arrangements to be entered into between the Medical Board of South Australia and the body controlling the medical profession in England, or any other State or Colony forming part of the British Empire, which passes similar enabling legislation whereby medical practitioners who have paid the legal fee for registration in England or such other State or Colony may, on becoming registered in South Australia, escape liability for any fee for registration, unless the fee already paid is less than five guineas, in which case they must pay to the South Australian authorities the amount of the difference. The arrangement would, of course, apply conversely in favour of South Australian medical practitioners already registered in South Australia becoming registered in the country with which the arrangement has been made. The main object of the Act is to facilitate the making of an arrangement with the General Council of Medical Education of Great Britain; but before any such arrangement could be given effect to enabling legislation would have to be passed by the English Parliament.

Fruit.—The Sale of Fruit Act, 1915, with certain limited exceptions, required all fruit to be sold in standard cases of the respective dimensions prescribed by the Act, and placed the responsibility for the conformity of the case with the standard upon the vendor of the fruit. The Sale of Fruit Act Amendment Act (No. 1459) alters that principle by placing the responsibility on the maker of the case. No person may sell fruit in a case or sell any case for the purpose of its being used for containing fruit, unless the case is branded with the name and address of the maker together with a guarantee of capacity. Whilst that brand remains on the case the person named therein is responsible for the case complying with the prescribed standards. If the seller is prosecuted for using a case not in conformity with the standard, he has a good defence if he can show that the case bore a brand ostensibly complying with the requirements of the Act, and the case was such that it might reasonably be taken to conform in measurements and capacity to one of the standard cases of the capacity stated in the brand. The margin of variation in capacity from standard allowable is fixed, for any excess in cubic capacity, at $3\frac{1}{2}$ per cent. of the prescribed capacity, and for any deficiency $2\frac{1}{2}$ per cent. and in measurement the margin of variation allowable is fixed at one-half inch in excess. The maker of the case is protected as far as possible by the infliction of penalties on any person who tampers with or alters any case whilst it still bears his brand. Under the 1915 Act fruit sold to persons registered as factory buyers or buyers for export was exempt from the provisions of the Act, and therefore was not required to be sold in standard cases. At the time the Act was passed most of the fruit trade was conducted by sale in kerosene cases and these exemptions were intended to avoid hardship where trade was done in bulk. Now the standard case has come into general use and has become the rule, the kerosene case the exception, and there is no longer any need for the express exemption of the buyers for factory or export. This Act accordingly repeals the exemptions made by the principal Act in their favour.

Railways Commissioners.—The Government railways in South Australia amount to about 53,000 miles of track with about 10,000 employees. In common with the Government railways of the other Australian States, the South Australian railways have, during and especially since the war, shown large deficits, and the South Australian Railways Commissioners Act Further Amendment Act (No. 1486) represents an attempt to deal with the position by providing for improved management. The Act provides for the appointment of two Railways Commissioners to manage the railways of the State, instead of one, as heretofore. The present Commissioner is to be one of the Commissioners, and the other Commissioner is to be an expert appointed after the passing of the Act. Applications for the position are at the time of writing being sought throughout Australia, the United Kingdom, and North America. The new Commissioner, when appointed, will be Chief Commissioner, and in the case of any difference of opinion between the two Commissioners his decision will prevail. The arrangement of two Commissioners to manage the railways is to last only whilst the present Commissioner holds office. When he goes out of office the Chief Commissioner will become sole Commissioner and the position of affairs will be as if there had never been two Commissioners. The salary of the present Commissioner is fixed by the Act at £1,500 per annum. This provision is repealed, and in lieu thereof it is provided that both the Commissioner and the Chief Commissioner shall be paid such salaries as are fixed by the Governor from time to time, but so that the salary of neither Commissioner shall be reduced during his term of office. The reason for this alteration in the law is that Parliament realized that at the salary specified, *i.e.* £1,500 per annum, it would be impossible to obtain a man sufficiently expert and experienced to be entrusted with the absolute management of the railways of the State. The substituted provision will enable the Government to pay whatever salary may be agreed upon between them and the successful applicant for the Chief Commissionership. The Victorian Act lately passed under which a Chief Commissioner was procured from the United States of America at a salary of £5,000 per annum is a precedent which will probably carry great weight with the South Australian Government in making their appointment.

Besides these provisions the Act contains a few amendments of only minor importance.

Sparrows.—The Sparrow Destruction Act Amendment Act (No. 1457) is the outcome of an agreement between the Governments of Western Australia and South Australia. Western Australia is at the present time free from sparrows, and is naturally anxious to keep them outside its borders. South Australia, on the other hand, is infested with the pest, which, it may be mentioned, is not indigenous to Australia but was originally introduced from England. Recently there have been signs that sparrows are making their way westward across the border into Western Australia. The Sparrow Destruction Act, 1889, makes provision for the systematic destruction of sparrows in proclaimed districts by the local authorities, by inspectors, and by occupiers of land. This Act enables the Minister of Agriculture to proclaim as a sparrow district for the purposes of the principal Act a strip of South Australia fifty miles wide bordering the Western Australian boundary, and the Minister is deemed to be the local authority for the district so proclaimed.

The remuneration of inspectors and officers for the district is a matter

for arrangement between the States of South Australia and Western Australia, and the latter State has offered to pay the salaries and expenses incurred in enforcing the Act. It is expected that this measure will prevent, or, at any rate delay, the threatened migration of sparrows into Western Australia.

Apprentices.—The Technical Education of Apprentices Act Amendment Act (No. 1482) amends the Technical Education of Apprentices Act, 1917, in some matters of administration. That Act compelled all apprentices employed in proclaimed trades within proclaimed areas to attend at a technical school or class for instruction. The school or class at which they had to attend was prescribed by the Minister by notice in the *Government Gazette.* This requirement that the school should be prescribed is abolished by this Act, and the apprentice must now attend the technical school or class specified in the personal notice given to him and to his employer by the Superintendent of Technical Education. This notice takes the place of a notice which under the repealed provisions was given by the Minister himself specifying merely the hours and occasions on which the apprentice had to attend the school or class prescribed by the Minister by notice in the *Government Gazette.* Under this Act these notices of attendance may be given from time to time and by post, and the giving of any second or subsequent notice automatically cancels all preceding notices. The position of probationers, *i.e.* intending apprentices who are required by the principal Act to be employed on probation for at least three months, is made clear. Probationers are to be regarded in every respect as if they were apprentices and as if their probation were their apprenticeship, and they must commence their attendance at a technical school immediately upon entering upon their probationary period. The obligation to attend a technical school or class will apply only to apprentices and probationers under sixteen years of age. It was found, in administering the 1917 Act, that apprentices over this age derived little benefit from the tuition available to them, and were inclined to be insubordinate and a source of bad example to the younger apprentices.

Constitutional.—The Constitution Amendment (Ministers' Salaries') Act (No. 1492) and the Payment of Members Act Amendment Act (No. 1493) authorize an increase in the remuneration of Ministers of the Crown and Members of Parliament, and may be conveniently considered together. By the Constitution Amendment Act, 1908 (No. 959), it was provided that the number of Ministers of the Crown should not exceed six, one of whom was to be an honorary Minister. The Act also provided that the total salaries to be paid to such Ministers should not exceed £5,000 per annum. It has been the practice to appoint six Ministers who, by mutual agreement, share the £5,000 equally between themselves. The Constitution Amendment (Ministers' Salaries) Act provides that the total salaries to be paid to Ministers shall not exceed £7,750 per annum. The intention is to pay a salary of £1,500 per annum to the Premier and £1,250 per annum to each of the other five Ministers. The office of honorary Minister is abolished by the Act.

The Payment of Members Act Amendment Act increases the salary of Members of Parliament from £200 to £400 per annum. The salary was fixed at £200 per annum in 1887, when payment of members first became law in South Australia, and the rate has not been altered since that time.

Legal Procedure.—The Administration of Justice Act (No. 1461) and the Arbitration Act Amendment Act (No. 1462) repeat almost verbatim the provisions of an English Act (10 & 11 Geo. V, c. 81), dealing with miscellaneous matters of legal procedure. The first-mentioned Act makes provision for reciprocity between South Australia and the United Kingdom and the other Colonies in the enforcement of the judgments of their respective superior Courts. By the express provisions of the Act itself the reciprocity provisions apply with respect to the United Kingdom immediately upon its passing, but an Order in Council under the English Act is necessary to make the provisions of the English Act apply with respect to South Australia. This Order in Council was made on November 21, 1921. With respect to other parts of the Empire the Act will not come into force until reciprocal arrangements have been made between South Australia and the particular Colony for the enforcement of judgments. When this has been done reciprocal legislation will be passed in the Colony concerned, and a proclamation will be issued under the South Australian Act bringing the Act into force with respect to that Colony so that the judgments of its Courts may be enforced in this State. The method of enforcing a judgment is by registration in the Supreme Court of South Australia, whereupon the judgment will have the same force and effect as if it had been a judgment originally obtained in that Court. The Act provides that the application for registration shall be made by way of motion. It is in this respect alone that the Act differs from the Imperial Act already mentioned, which leaves the mode of procedure to be prescribed by Rules of Court.

The Act also follows the Imperial Act in extending the power of the Supreme Court to make rules so as to enable the Court to regulate the means by which particular facts may be proved and the mode in which evidence thereof may be given. The Act also provides that all questions of foreign law, instead of being submitted to the jury, shall be decided by the presiding judge himself.

The second Act (the Arbitration Act Amendment Act) repeats another provision of the English Act above referred to, which is in effect an amendment of the Arbitration Act, 1891. Shortly put, it supplies an omission in that Act to provide for the case of an arbitration by three arbitrators, one to be appointed by each party and the third to be appointed by the two appointed by the parties. The Act provides that if one party appoints and the other fails to do so, the arbitrator appointed is to be sole arbitrator. If both parties appoint their representative, but these representatives in turn fail to appoint the third arbitrator, this third person may be appointed by a judge of the Supreme Court or a special magistrate, on the application of either party. If any of the three arbitrators dies, refuses to act, or becomes incapable of acting, then a new arbitrator may be appointed by the party or judge who appointed the arbitrator causing the vacancy. In certain circumstances the appointment of a person to act as sole arbitrator may be set aside by a judge of the Supreme Court.

Justices.—The Justices Act (No. 1479) repeals nine Acts relating to the judicial functions of Justices of the Peace, and consolidates the law contained in them with important amendments. The most important statutes on the subject previously in force in South Australia were the Ordinance No. 6 of 1850, relating to summary procedure before justices and the Ordinance No. 15 of 1849, relating to the duties of justices

in connexion with charges of indictable offences. These followed very closely the statute law in force in England at that time. Hence the South Australian law did not embody the reforms created by comparatively recent Acts passed in England and also in the other Australian States. In the new Act advantage has been taken of the opportunity to adopt a number of useful provisions from English statutes, especially the Summary Jurisdiction Act, 1879, and the Criminal Justice Administration Act, 1914. Most of these provisions have been reproduced as far as possible verbatim, so as to secure the benefit of the English decisions. Useful provisions have also been adopted from the legislation of the other Australian States, notably Victoria, where a consolidating Justices Act was passed in 1915.

In general it may be said that the effect of the new Act (which is to come into force only when proclaimed) will be greatly to simplify and cheapen the administration of justice in Police Courts, and to ensure cases being heard on their merits, instead of being disposed of on formal and technical grounds. Amendments of informations and complaints may be made to meet technical objections, and it is sufficient for any information or complaint to give the defendant a reasonably clear and intelligible statement of the offence or matter with which he is charged. Moreover, any conviction or order made by a Court of summary jurisdiction or any warrant of committal or other warrant or proceeding issued by any justice, may be amended, according to the evidence, by the Court or justice, or by any Court before which the conviction, order, warrant or proceeding comes, on appeal or otherwise. The procedure in connexion with the taking of recognizances and the giving of security is simplified. Justices, in imposing a fine, may order imprisonment in default, without being bound to order distress and in default of sufficient distress then imprisonment. The latter was the only procedure authorized prior to the new Act, and it often involved the issue of a distress warrant when it was well known that the defendant had no effects.

Betting.—In South Australia all betting in public places, except by means of a totalizator duly licensed and in use on a racecourse, is illegal. Bookmakers, however, carry on their calling with the connivance of a section of the public, and there has been a marked increase in the number of bookmakers, and of prosecutions for betting offences, since the war. There has also been a great increase in the aggregate amount of bets made on the totalizator. The Lottery and Gaming Act Amendment Act (No. 1494) represents a further effort to deal with the bookmaker by making his calling so precarious as to be not worth his while to continue to pursue it. Other amendments are made to the gaming law, but the suppression of public betting forms the principal purpose of the Act. A new power is given to justices and members of the Police Force to enter, without a warrant, places such as premises licensed for the sale of liquor, factories, shops, and buildings occupied by clubs. A considerable amount of clandestine betting goes on in premises of these kinds, and the delay involved in the necessity for obtaining a warrant, and producing it to doorkeepers and other obstructionists, has hampered the police in the past.

Perhaps the most drastic amendment is that dealing with the burden of proof in gaming prosecutions. It is provided that if the evidence for the prosecution raises in the mind of the Court a reasonable suspicion that the defendant is guilty of the offence charged, that evidence is

deemed to be *prima facie* evidence of the defendant's guilt. In effect the ordinary requirement that the offence must be proved beyond all reasonable doubt is dispensed with, and it is now sufficient for the prosecution to produce evidence which raises a reasonable suspicion of guilt. The state of affairs which this provision was intended to remedy was the difficulty of convicting persons of betting at all. It is at any time exceedingly difficult to obtain strong evidence of betting, and many cases have broken down because, although the Court has had the very strongest suspicion that the offence has been committed, there has not been sufficient to satisfy that strict burden of proof which is thrown upon the prosecution in all criminal charges.

Other amendments worthy of comment include a power to make regulations for controlling the conduct of persons in the vicinity of totalizators, the intention being to provide for the formation of queues by intending investors. The present want of system, and the overcrowding at the ticket windows, give great opportunities to pickpockets, and lead to indecorous scenes. Another innovation concerns the disposal of amounts remaining in the hands of racing clubs by reason of their not paying " fractions " when paying out dividends through the totalizator. These in the past have customarily been paid to local charities, but, in order that the Government may have some supervision in the matter, the approval of the Commissioner of Police is required to the manner of distribution.

Motor Vehicles.—The Motor Vehicles Act (No. 1480) is an administrative measure. It repeals the Motor Vehicles Act, 1907, and the enactments amending that Act, and consolidates their provisions with amendments which are not of great importance. The amendments are mainly for the purpose of stopping up loop-holes which have been discovered in the original Act. In some cases useful provisions have been adopted from the New South Wales Act of 1909. The more important amendments are as follows :

1. The speed limit is increased to 20 miles per hour in municipalities, towns and townships. Previously it was 15 miles per hour.

2. The Registrar of Motor Vehicles is given power to impose tests of competency in the case of any applicant for a driver's licence who appears to be suffering from any serious physical incapacity.

3. There is power for the Minister administering the Act to direct the Registrar of Motor Vehicles in writing to refuse to issue or renew a driver's licence in favour of any person who has been convicted of driving a motor vehicle whilst so much under the influence of intoxicating liquor as to be incapable of exercising effective control of such motor vehicle, or of driving a motor vehicle in any street or road negligently, furiously or recklessly, or at a speed or in a manner which is dangerous to the public, or of any offence which, in the opinion of the Minister, renders him unfit to hold a licence, or who, in the opinion of the Minister, is otherwise unfit to hold a licence. There is an appeal to a Local Court against any refusal by the Registrar to issue or renew a licence.

4. An owner of a motor vehicle must, if required by a member of the Police Force, truly answer any question which may lead to the identification of the person who was driving such motor vehicle on any occasion when an offence under the Act is alleged to have been, or is suspected of having been, committed.

5. More drastic provision has been made with regard to the carrying

of lights on motor vehicles at night. In particular, the rear lamp carried on a motor-car is to be so constructed and carried as to illuminate and render easily distinguishable from a distance of at least twenty yards each figure and letter on the number plate attached to the rear of such motor vehicle, and so as to show a red light in such a position and manner as to be clearly visible to any person approaching such motor vehicle from the rear. A motor-cycle is required to carry its light in such a manner as to illuminate and render easily distinguishable from a distance of at least ten yards each figure and letter on the number plate attached to the front of such motor-cycle. If a side-car is attached to a motor-cycle an extra lamp must be carried attached to the front of the side-car.

6. Side-cars are not allowed to be used unless they are attached on the left side of the motor-cycle. It was considered dangerous to allow the use of both styles of attachment at the same time.

7. Joy-riding, *i.e.* using a motor vehicle without the consent of the owner, but without intending to steal it, is made a special offence.

8. A wide power of making regulations is given. In particular, regulations may be made "prohibiting or regulating the carrying of any person on a motor-cycle in addition to the rider thereof." Regulations have been made under this power to deal with the dangerous practice of "pillion riding," *i.e.* carrying a passenger on the parcel carrier of a motor-cycle.

Police.—Most of the provisions of the Police Act Amendment Act (No. 1491) are devoted to increasing the penalties for offences against the principal Act of 1916, and generally to conferring more drastic powers to deal with offenders who are convicted as idle and disorderly persons, rogues and vagabonds and habitual drunkards.

The powers of the police have been extended in two directions. The general search warrant which may be issued to the police originally authorized entry and search only for the purpose of seeking stolen goods. The powers under this warrant have been enlarged to authorize entry into and search of premises where it is suspected on reasonable grounds that a felony or misdemeanour has been committed, that there is anything which may afford evidence as to the commission of any felony or misdemeanour or that there is anything which may be intended to be used for the purpose of committing any felony or misdemeanour. It is anticipated that the new warrant will be very useful to the police in investigating cases of procuring abortion.

There is a section in the principal Act which gives to any member of the Police Force a power to arrest without warrant persons whom he finds committing certain offences, or suspects of committing certain offences. To this has been added a power to demand from the person, whether or not an arrest is made, his name and address; and, in case there is suspicion that the name or address given is false, to demand the production of evidence of the correctness of that information.

Some new offences of a minor nature have been added. To the offences of being guilty of riotous or indecent behaviour in a public place has been added that of being guilty of "offensive" behaviour. The amendment was inspired by the behaviour of a person who entered a country police station, and announced in language that was offensive, but not indecent, that he was prepared to fight any policeman on the premises. The offence which consists in being a suspected person or reputed thief, and frequent-

ing certain specified places with intent to commit a felony, has been slightly altered. The word "frequents," which has been the subject of much judicial discussion, has been found to make the offence a difficult one to prove. That is now struck out, and the words "is in, on, or near" have been substituted. A new offence has been created which consists in being found in dwellings or other specified places of a private character without lawful excuse. This is in addition to the old offence of being found in such a place for an unlawful purpose. Persons have been found on private property for purposes which, though not punishable as offences, are decidedly immoral (*e.g.* for the purpose of watching a woman undress), and it is to enable these acts to be punished that the amendment has been made.

Complementary to the provision in the Motor Vehicles Act, 1921, which punishes "joy-riding" in other people's motor-cars without permission, a section of this Act creates a similar offence with respect to the unauthorized use of vehicles other than motor vehicles, and horses or other beasts of burden.

As regards the increased severity of penalties, the only instance worthy of notice here is the case of the penalties provided for the possession of goods reasonably suspected of having been stolen or unlawfully obtained. The section creating the offence was, in its original form, practically a repetition of 2 & 3 Vict. cap. 71, s. 24. This section is likely to prove very useful in dealing with cases of pillaging of cargo from ships and wharves—a practice which is becoming increasingly serious in Australian seaports. The penalty has been increased from £25, or twelve months' imprisonment, to £100, or two years' imprisonment. The amendment was recommended by a Commonwealth Royal Commission on the pillaging of ships' cargoes.

Animals.—The Prevention of Cruelty to Animals Act Further Amendment Act (No. 1477) makes the docking of a horse's tail in such a manner as to leave less than thirteen joints an act of ill-treatment within the meaning of the principal Act of 1908. It was considered that docking is cruelty in this country, inasmuch as it deprives the animal of a natural protection against flies and such-like annoyances. The definition of "ill-treat" in the principal Act is itself amended so as to include the act of unreasonably, wantonly or maliciously neglecting any animal. The remaining section of the Act expressly declares that the Prevention of Cruelty to Animals Acts do not "apply to or make unlawful the hunting or coursing of hares which have not been liberated in a mutilated or injured state in order to facilitate their capture or destruction." This provision was made because of the prosecution by a private person of a number of prominent citizens in respect of the part they played in a coursing meeting involving the coursing of hares in a plumpton, and of threats of further prosecution if any such matches were held in the future. The information alleged that the informants ill-treated certain animals, to wit hares, by causing them to be coursed by dogs in an enclosed space.

Dairy Cattle.—The genesis of the Dairy Cattle Improvement Act (No. 1498) is of interest in so far as it suggests that there is a sphere of practical politics in which an Australian Governor may render useful service. The Governor of South Australia, Lieutenant-Colonel Sir Archibald Weigall, late member for Horncastle in the House of Commons, and a well-known English cattle-breeder, has devoted himself assiduously since his arrival in South Australia to the improvement of the breed of

dairy cattle—obviously a matter of considerable importance in view of the State's dependence on its agricultural and dairying industries. His Excellency's propaganda work and his practical interest shown by the gift of English pure-bred stock to the State led to the summoning of a Conference by His Excellency which was attended by representatives of all agricultural and political organizations and at which a committee was appointed, and it was in accordance with the recommendations of this committee that the Act under review was drafted and introduced in Parliament.

The Act seeks to bring about an improvement in the standard of dairy cattle by imposing a licence fee of 10s. a year on all bulls over the age of six months. The funds raised by this impost go to the Dairy Cattle Fund, which will be applied "to improving the standard for dairy cattle and generally to promoting and encouraging the dairying industry of the State." Some of the proposals for the administration of the Fund contemplate a subsidy for approved pedigree bulls which during a given period serve a specified number of cows; herd-testing; competition and prizes. The details of the schemes for the distribution of the Fund are not mentioned in the Act, but are left to regulation. It is hoped that the Act will have the effect, firstly, of discouraging the keeping of mongrel stock by making it not worth while to keep a worthless animal seeing that he will cost his owner a tax of 10s. per annum; and, secondly, of directly encouraging the keeping of pure-bred stock by subsidizing or remunerating in some way the services of pedigreed animals.

District Councils.—The District Councils Act Amendment Act (No. 1485) makes a number of minor amendments of an administrative character in the Acts dealing with the functions of District Councils. One amendment enables the Governor to amalgamate adjoining District Council Districts or to incorporate adjacent areas with existing District Council Districts upon the presentation of an address from Parliament. Previously there was power to do this only upon petition from the areas concerned. This is to enable the Government to do away with a number of small Municipalities and District Council Districts where the population has been gradually diminishing for many years past owing largely to the tendency in South Australia, as in the other Australian States, for the people in the country districts to drift to the capital city and in which the revenue is so small that little or no public service can be rendered. In addition, the Governor is given power, without petition or address, to erect any area into a District. Previously the Governor could do this on petition from the landholders of the area, but as the constitution of a district renders them liable for rates and the upkeep of the roads, this privilege was seldom utilized. Another amendment extends the powers of a Council in dealing with the sand-drift nuisance, enabling a Council to enter upon a person's land and plant or clear it for the purpose of abating the sand-drift. The right to compensation in respect of such entry is taken away, and it is expressly provided that the owner or occupier of the land is not to be entitled to compensation, and under pain of penalty he is expressly prohibited from interfering with any grasses or bushes planted on his land for the purpose of preventing sand-drift so as to render them ineffective or less effective for the purpose for which they were placed there. Following on the lines of policy laid down by the Roads Improvement Act, 1921, another section provides that the Government grant made to Councils annually in respect of the

rates actually collected is in future to be granted only in respect of rates actually collected and expended by the Council on or in connexion with the construction, maintenance and keeping in repair of the public roads of the District. Councils are authorized to construct and work on public roads, any tramways, aerial tramways, steel tracks or any other system of improved transport. The consent of the Minister must first be obtained, and he may give such consent upon and subject to such conditions, reservations, restrictions and stipulations as he thinks proper. The Council, instead of constructing and managing the work itself, may grant a permit to a private person authorizing him to do so. This permit is likewise subject to the consent of the Minister, and may not be granted for any period exceeding nine years. At the expiration of its term, the permit may be renewed. These provisions with respect to the installation of improved methods of road transport were inserted because of the exceedingly heavy traffic over the roads in some portions of the State where the salt lakes are situated and on which the industry of salt scraping is carried on.

Roads.—The Roads Improvement Act (No. 1475) was the most contentious measure passed during the Session. During the war the roads were allowed to get into a very bad state of repair and last year £150,000 of public money was authorized to be expended on the main roads. Most of this money was allotted to the various local governing bodies by way of subsidy. The purpose of this Act is to make better provision for supervising the construction and maintenance of main and other public roads, especially by the local governing bodies entrusted with the expenditure of public funds for those purposes. This supervision is carried out by a Government Department, the Roads and Bridges Department, under the Engineer for Roads and Bridges and his Inspectors. Whenever any work is being carried out on any main road or other public road by means of money voted by Parliament, these officers are authorized to supervise and inspect the work, and to direct the manner in which the moneys shall be expended. On the administrative side the Act for the most part incorporates the provisions of the Roads Supervision and Works Act, 1913, which it repeals. There are two new principles in the Act calling for comment.

Hitherto the declaration of main roads has been a function which Parliament has reserved unto itself, a special Act being passed at intervals of about seven years declaring a Schedule of Main Roads. As a result, the question of main roads has become political, and the Schedule is overburdened with a number of roads of minor importance, serving only local interests. The importance of a road being a main road or not lies in the fact that the annual subsidy granted by the Government to local governing bodies is regulated largely by the mileage of main roads within the several districts. This Act transfers this function of constituting main roads from Parliament to the Governor in Executive Council, who may now, on the recommendation of the Roads Advisory Board, from time to time declare that any public road shall be a main road or that any main road shall cease to be a main road. The Roads Advisory Board is a Board of three civil servants specially constituted by the Act for this purpose.

The other principle above referred to is that, under the Act, the Minister is to direct the Municipal and District Councils who are charged with the upkeep of the main and other public roads as to the amount of

money from their own revenue which they must spend on road works. Every year Parliament grants a subsidy to be distributed between the Councils for the construction, maintenance, and keeping in repair of the main roads within the Districts of such Councils. Acting on the advice of the Roads Advisory Board the Minister will divide this subsidy amongst the Councils, allocating to each Council a certain specified amount. At the same time as the Minister appropriates this amount to the Council he will determine how much the Council must spend out of its own moneys for the same purpose, *i.e.* the construction, maintenance and keeping in repair of the main roads within its District subject to this proviso, that the maximum amount which a Council may be directed to expend out of its own moneys is half the amount allocated to it by the Minister by way of subsidy. The Council is empowered to declare a special rate for the purpose of raising the necessary funds, without consulting the ratepayers or obtaining their consent. If the Minister considers that any main road is being neglected by a Council or that any works upon which particular sums have been directed to be expended are not being carried out, or that any work is not being carried out satisfactorily, he may give the Council notice to that effect, specifying the matter of complaint. If the Council does not comply the Minister may carry out the work himself, and may recover half the cost of so doing from the Council in default. This may be done either by action by the Minister in his corporate name or by withholding the debt from any moneys voted by Parliament as a subsidy and allocated to the Council. Provision is also made that where any main or other public road is subject to more than ordinary traffic by reason of the construction of any railway, drain, reservoir or other public work the Council in charge of the road may recover from the contractor the cost of maintaining the road whilst the work is in progress and also the cost of fully reconditioning the road after the work is completed. Any sum paid by the contractor in satisfaction of such costs is to be added to the cost of the public work concerned.

Advances for Homes.—The Advances for Homes Act Further Amendment Act (No. 1467) extends the privileges under the Soldiers' Homes Scheme, formerly enjoyed only by men who had served in the recent war outside Australia and by their immediate dependents, to all Australian soldiers, sailors, and nurses, whether they have served in the Australian Imperial Force or in any other British Force and whether they have served outside Australia or not, and also to all munition workers, war workers, members of the Young Men's Christian Association who have served abroad with the Australian Navy or Australian Imperial Force, and to all persons awarded the Australian Mercantile Marine War Zone Badge or the British Mercantile Marine Medal in respect of their employment during the war and domiciled in Australia during such employment. This extension of the scheme was made pursuant to arrangement between the State Government and the Commonwealth, whereby the Board of Trustees of the State Bank (the body administering the Housing Scheme) took over from the Commonwealth the work of the Department of Repatriation dealing with the housing of returned soldiers. The effect is that the operation of the Commonwealth War Service Homes Acts has ceased so far as South Australia is concerned. This Act does away with all limit as to the salary of an eligible applicant for an advance: under the previous Acts a person to remain eligible for assistance should not, at the time of his application for the advance, be in receipt of an

income exceeding £450 per annum. The maximum amount that may be advanced to any one person is left at £700. In view of the enlargement of the scheme thus brought about the amount of money appropriated to the expenses of the scheme was increased from £600,000 annually to £1,200,000, but for the year 1921-22 only. There is one privilege which is not extended to the persons who come in under the scheme as so enlarged, but which is restricted to those who were entitled to assistance before this Act was passed, namely, freedom from " State land tax and from water and sewer rates, and from all other rates, taxes and impositions whatsoever " for five years from the date of the making of the advance. During this period the Government pays to the local authorities all municipal and district rates becoming due in respect of the homes provided. The scope of the original Act was restricted to making advances to persons of limited means to provide homes for themselves and their families. This is now extended, in the case of Australian *nurses* who served in the recent war, to enable advances to be made to them for the purpose of their establishing hospitals, sanatoria or nursing homes. Two or more nurses may thus receive an advance of £700 each, and with the proceeds set themselves up in business. To this extent only the Act under review involves more than the provision of homes.

Friendly Societies.—The Friendly Societies Act Amendment Act (No. 1483) enables any friendly society to use its funds in establishing a chemist's shop and generally in carrying on the business of a pharmaceutical and dispensing chemist and druggist. The shop must be under the management of a registered pharmaceutical chemist, and any profits derived from the business are to be subject to income-tax. Previously a friendly society had power to establish only a friendly societies' dispensary, for the purpose of selling medicines and medical and surgical appliances to their own members and the relatives of members (Act 1387, 1919, s. 7). It was held by the Supreme Court of South Australia in *A.-G.* v. *Mt. Gambier Friendly Societies Dispensary Incorporated* that the old Act did not give power to a friendly society to sell to the public. The present Act enables a friendly society either to open a dispensary under the old Act or to open a retail chemist's shop under the new Act and sell medicines and goods to the public.

Industrial Code.—The Industrial Code passed in 1920 made provision for the Board of Industry to review and declare " the living wage " at not more frequent intervals than one year. With the rapid fall in prices that has taken place and is still going on this period has been found too long, and the Industrial Code Amendment Act (No. 1490) amends the Code so as to enable a more frequent review, namely, at intervals of not less than six months. The " living wage " above referred to is defined by the Code as " a sum sufficient for the normal and reasonable needs of the average employee living in the locality where the work under consideration is done or is to be done."

Prices Regulation.—The Prices Regulation Act Amendment Act (No. 1463) repeals the Prices Regulation Act, 1919, which provided for price fixing, or, as the title expresses it, " for controlling and regulating the Prices chargeable for the Necessaries of Life " by means of the Prices Regulation Commission, and also made provision for the Control of Monopolies. The Act of 1919 was practically a war measure, and with prices falling it was deemed advisable to remove price control as soon as possible, in order not to impede the process of deflation. The Act of 1919,

even if not expressly repealed, would have expired by effluxion of time on November 30, 1921. This Act repealing it was assented to on October 5.

Sex Disqualification Removal.—The Sex Disqualification (Removal) Act (No. 1456) arises out of the passing of the Female Law Practitioners Act, 1911 (No. 1050). Under that Act women became qualified for admission as barristers, attorneys, solicitors and proctors. A Miss Kitson, who qualified and was admitted under the authority of that Act, applied to the Supreme Court to be appointed a Notary Public. The Supreme Court held that as by the common law women were disqualified from filling the office of Public Notary, the capacity to fill public offices being, in the absence of any provision to the contrary, limited to men, and as the Legislature had not seen fit to remove the disability by the Female Law Practitioners Act or any other Act, there was no power to appoint the applicant as a Notary Public (*In re* Kitson, 1920, S.A.L.R. 230). This Act was therefore passed to enable women to be appointed to the office of Public Notary, and the opportunity was taken expressly to qualify women for appointment as Justices of the Peace. Women justices were first appointed in South Australia on July 6, 1915, in reliance on an assumed common law power to appoint, but the judgment of the Supreme Court just referred to, and the decision in *Rex* v. *Cyr*, Canadian Criminal Cases, vol. 29, part i, p. 77, made the validity of the appointments doubtful. The Act was made retrospective to July 6, 1915, in order to prevent the possibility of any legal proceedings against women justices who had adjudicated before the passing of the Act. It is to be noted that the Act does not go nearly as far as the English Sex Disqualification (Removal) Act, 1919, which makes women eligible to fill a number of public offices, including that of juror.

Taxation.—The Motor Vehicles Tax Act Further Amendment Act (No. 1476) at the same time makes the motor vehicles tax permanent and increases the amount, in the case of motor-cycles, by 5*s*., and, in the case of all other motor vehicles, by £1. The Act also repeals the privilege of half-rates hitherto enjoyed by motor-cars plying for hire, and the exemption from taxation of vehicles owned by local governing bodies (with the exception of the Fire Brigades Board or any Volunteer Fire Brigade), and still exempts motor ambulances for the use of which no charge is made.

Super-tax.—The super-tax on income of 25 per cent. of the ordinary income-tax, originally imposed by the Taxation Act of 1919 for the year 1918–19 only, and since continued in force from year to year, is by the Taxation Act Further Amendment Act (No. 1478) continued in force for the further period of twelve months ended on June 30, 1921.

5. TASMANIA.[1]

Advances to Fruit-Growers Act Amendment Act.—No. 17 amends the 1918 Act and provides, *inter alia*, that when co-operative fruit-growers' companies issue debentures to the Government for a loan, the fruit and packing in the packing sheds are not to form part of the security.

Aid to Mining Act.—No. 48 repeals the previous Acts and empowers the Minister to advance money by way of loan to lessees and tributers on the Zeehan field and in proclaimed areas.

[1] Extracted from the *Australian Legislative Digest* published under the Authority of the Premier for New South Wales.

Clause 7 declares that all gold and minerals discovered as the result of any prospecting or mining operations under directions by the Minister shall belong to the Crown, and the Minister must make an offer in writing of any such discovery to the lessee, if any. If there is no lessee or the lessee fails to take steps to acquire the discovery, the Minister may let the necessary lease on tribute. In the event of the lessee acquiring the discovery, the person who made the discovery is to receive one-half of the net purchase price paid by the lessee.

The Minister is empowered to grant assistance to prospectors in certain cases, and prospectors making discoveries are to have a preferential right to a lease of the land concerned. Regulations may be made by the Governor prescribing the conditions under which advances may be made, etc.

Apples and Pears Act.—No. 67 empowers inspectors to enter places where apples and pears are being prepared for transport, and to supervise the stacking and loading.

Children's Charter Amendment Act.—No. 62 empowers the Children's Court, *inter alia*, to release on probation a child summarily convicted of an offence other than an indictable offence. If there is no previous conviction against such a child the Court may direct that no conviction shall be recorded against him.

Foster mothers must be licensed, and nursing homes registered, and children privately boarded out may be inspected.

Deceased Persons' Estates Duties Act.—No 50 repeals various sections of the principal Act and deals in a comprehensive way with the whole subject of death duties. The duties payable are set out in a scale at the end of the Bill.

Electoral Amendment Act.—No. 57 further amends the Electoral Act of 1907. Assembly subdistricts are to continue, but will in future be known as subdivisions. All Council and Assembly districts are to be known and described as divisions. The boundaries of subdivisions may be altered by proclamation.

Other provisions relate to the appointment of officers, the declaration and abolition of polling-places, the enrolment of electors, the forms of rolls, public inspection of rolls, penalties for infringement of the law, etc.

Evidence Act.—No. 3 provides that probate of a will, codicil or letters of administration is evidence of the original will or codicil upon all questions concerning real and personal estate as if such original were produced and proved, and *prima facie* evidence of the death of the testator or intestate.

Forestry Act.—No. 68 amends the Act of 1920. Licences (having a currency of three months) to cut timber on Crown Lands or in State Forests may be issued by the Conservator of Forests, subject to the payment of the prescribed fees and royalties. The Minister may, on the recommendation of the Conservator, grant for any term not exceeding sixty years, leases of any lands within the area of a State Forest for plantation purposes. The Conservator may impose special fees for fire protection upon forest products cut or taken under the Act.

Indeterminate Sentences Act.—No. 44 repeals the Habitual Criminals and Offenders Act, 1907. It provides for the detention and control of habitual criminals, and a judge has power to declare a convicted person an habitual criminal and to order his detention in a reformatory prison.

A person detained in such reformatory prison is required to work, and wages are credited to his account—to be applied towards the maintenance of his wife and children. Provision is made for release on parole.

Justices Procedure Act.—No. 47 repeals Section 146 of the principal Act and substitutes a new section therefor dealing with the review of orders by justices. No order to review may be made in the case of the committal of a defendant for trial. Provision is made for the enforcement of an order where a defendant resides.

Land and Income Taxation Act.—No. 46 provides, *inter alia*, for the deduction of income tax paid by certain persons elsewhere than in Tasmania.

Launceston Corporation Act Amendment Act.—No. 20 is a comprehensive measure providing, *inter alia*, the mode of election of aldermen, defining the powers of returning officers, and generally tightening up the law in the light of experience. A returning officer may, if he think fit, require any citizen claiming a vote to sign a declaration prescribed by schedule. Elections may be adjourned in case proceedings are interrupted by riot. Anyone found guilty of personation or attempted personation may be imprisoned for misdemeanour. The Returning Officer and Assistant Returning Officer may arrest disorderly persons in the vicinity of polling booths without a warrant.

Power is reserved to remit rates for the benefit of incapacitated soldiers and soldiers' widows.

The Council may, from time to time, employ a city manager to perform all the duties and exercise all the powers of the Town Clerk.

Hobart Corporation Act.—No. 24 is on similar lines to the Launceston Corporation Act Amendment Act.

Local Government Act Amendment Act.—No. 27 gives to Municipal Councils the power to levy tolls for the carting of timber, whether sawn, split or in the log, over the roads ; firewood excepted.

Maintenance Act.—No. 40 amends the previous law and facilitates the enforcement of maintenance orders in Tasmania and in countries where reciprocal provisions are in force.

Marine Act.—No. 60, continues the existence of various Marine Boards and Harbour Trusts.

Section 12 provides that the Governor may, by proclamation, alter and redefine the limits of the jurisdiction of any board or trust. Proclamations may also be made settling questions as to property as between boards or trusts, and defining the boundaries of wards. The general powers of boards are set out.

Mining Act.—No. 42 amends the Mining Act of 1917 in various ways, and provides, *inter alia*, that whenever a lease is determined by surrender, expiry, forfeiture, or avoidance, the lessee or other person entitled thereto shall, within six months after such determination or within such further time as the Minister may, in special circumstances, allow, remove any plant, machinery, engines, or tools belonging to such lessee or other person. Such tools and plant, if not removed, become the property of the Crown unless sold to the holder of a new lease of the land.

Offences against the Person Act.—No. 66 tightens up the law in regard to acts of indecency and renders offenders liable to seven years' imprisonment.

Police Regulation Act.—No. 5 provides for the formation of a Police Provident Fund Board, controlled by the Minister, the Commissioner, the

Government Statistician and the Superintendent of Police for the Southern District.

Presumption of Survivorship Act.—No. 12 provides that in a case where two or more persons have died in circumstances rendering it uncertain which of them survived, their deaths shall for all purposes affecting the title of any property be presumed to have taken place in order of seniority, and the younger be presumed to have survived the elder.

Public Service Amendment Act.—No. 41 provides, *inter alia*, the conditions under which candidates shall be admitted to various branches of the Public Service. The names of officers considered unfit for their duties may be placed on the Public Service Supernumerary List. Such officers may be employed in some other capacity, but their services may be dispensed with altogether if they become unfit for work or there is no further work for them. Minimum wages are prescribed for returned soldiers appointed to the Clerical Division of the Service. Permanent heads of departments and other officers may be suspended pending an investigation of charges against them.

Rabbits' Destruction Act.—No. 18 amends the Act of 1889 and provides that an occupier of land infested with rabbits may be ordered to destroy them. Rabbits may not be kept in captivity without special permission, and the importation of wild live rabbits is prohibited.

Railway Management Act (No. 2).—No. 64 extends the present Act by facilitating the making of regulations in connexion with administration, including power to recover unpaid rates and charges in the Courts. Compensation in regard to death or permanent disablement from railway accident is limited to £2,000 and personal injury to £1,000.

Stamp Duties Amendment Act.—No. 79 provides, *inter alia*, that every Bank shall deliver to the State Treasurer a yearly account of bank notes presented for payment during the preceding twelve months, and pay as duty thereon a sum equal to £2 per centum of the amount or value.

S. 8 provides that security to a bank for unlimited advances shall be available only to the amount covered by the duty paid. The section also provides for a statutory declaration as to further advances to be made yearly to a collector and for the payment of duty (if any) thereon.

State Hydro-electric Works Execution Act.—No. 45 authorizes the Government to carry out state hydro-electric works estimated to cost £930,250.

State Loans to Local Bodies Act.—No. 23 authorizes and regulates the grant of loans to local bodies under special Acts for public works. The Minister may refer back to a local authority for alteration, the plans, specifications, and estimates of any proposed work for which it is desired to borrow. If work does not progress to the satisfaction of the Minister he may withhold payments from the offending local authority. A local authority may be required to levy a rate to provide for the maintenance and management of all works with respect to which any debt is owing to the Treasurer. Provision is made for taking a poll of ratepayers on the question of borrowing in cases where special acts require a poll. Other provisions relate to rate of interest, sinking fund, etc.

State Savings Bank Transfer Amendment Act.—No. 57 provides for supplemental agreement between the Governor of the State and the Governor of the Commonwealth Bank. The bank must keep a separate account of business in Tasmania of the Commonwealth Savings Bank,

and the resultant profit or loss of such business shall be half-yearly divided between or borne equally by the bank and the State. The State has the right to borrow 70 per centum of such sum or sums as the bank shall from time to time notify to be the increase in the amount of depositors' balances in the Commonwealth Savings Bank in Tasmania at rates of interest not exceeding 1 per centum per annum above the highest rate of interest then being paid by depositors generally on current accounts in the Commonwealth Savings Bank in Tasmania.

Suppression of Public Betting and Gaming Act.—No. 4 tightens up the law with regard to "public" places, and provides that persons suspected of betting may be removed by the police; any one who returns after being warned off is liable to arrest. Sporting clubs may warn any person suspected of being a bookmaker not to attend sports by serving a notice on him personally; the penalty for non-compliance with the warning is £50, or one month's imprisonment.

Unclaimed Trust Moneys Act.—No. 22 provides for the custody, disposition, and investment of unclaimed trust moneys.

6. VICTORIA.

[*Contributed by* His Honour Judge Zichy-Woinarski, K.C., *and* Professor W. Harrison Moore, C.M.G.]

Second Session of Twenty-sixth Parliament: Acts passed—3 (Nos. 3118–3120).

First Session of Twenty-seventh Parliament: Acts passed—55 (Nos. 3121–3176).

Constitution (No. 3119).—By the Commonwealth Electoral Act (No. 27 of 1918 as amended by No. 31 of 1919), s. 70, members of State Parliaments are disqualified for nomination for the Senate or House of Representatives. Several of the State Parliaments have met this disqualification by legislation designed to frustrate its purpose. The present Act—similar to legislation in Tasmania and Queensland—allows members resigning their seats in the State Parliament for the purpose of contesting a federal election to give notice to the President or Speaker of the Council or Assembly (as the case may be) who thereupon must withhold the writ for the seat vacated until the result of the federal election is known. If the ex-member is unsuccessful at the federal election, and is nominated for the vacant seat in the State Parliament, the returning officer is to declare him duly elected for his former seat without holding a poll.

Act No. 3118 raises the salaries of members of the Legislative Assembly from £300 to £500 per annum, and the amount appropriated for the salaries of Ministers is increased from £8,400 to £10,000.

Legislative Council Elections (No. 3139).—In 1911, compulsory preferential voting was introduced in the case of elections for the Legislative Assembly. The present Act extends these provisions to elections for the Legislative Council where one person only is to be elected.

Local Government Act (No. 3167) makes a number of amendments in the Local Government Act.

The council of any shire may now pay the travelling expenses (*bona fide*)

incurred by shire councillors in travelling to and from their usual place of abode to attend meetings of such council (s. 4). In the far-distant shires in the mountainous country of Gippsland or on the plains of the Mallee it frequently meant a day's journey for a councillor to attend a council meeting, and this amendment enables him to claim at the ratio of 6*d.* a mile for his journey to and fro.

In respect to the recount of votes required to be made by any candidate for the council the services of a police magistrate are provided for by the Principal Act. The present Act makes provision for the payment of three guineas to the magistrate for his services—if the recount is in favour of the candidate the said sum is to be paid out of the municipal fund, and if the recount is adverse to the candidate the three guineas is to be paid out of the candidate's deposit of £10 (s. 7).

Meetings of a shire council are authorized to be held at other places than the municipal offices if so appointed by a special order (s. 8).

The prohibition against a councillor voting or taking part in the discussion of any matter in which he is, directly or indirectly, pecuniarily interested is modified now in the case where the matter relates to any contract with a company of more than twenty persons, and there are not sufficient councillors to form a quorum who are not shareholders—and in such a case the Governor in Council may authorize the councillor shareholder to vote (s. 9).

The power of making by-laws is extended to include (*inter alia*) the prescribing of areas as residential areas and the prohibiting or regulating therein the erection or the use of any building for the purpose of such classes of trades, industries or public amusements as may be specified in the by-law (s. 10).

The Governor in Council is empowered to make regulations for the storage of petroleum (including kerosene), turpentine, etc. (s. 11).

Councils are required to make at least once in every six years a valuation of all rateable property in their municipal district (s. 13).

The maximum amount of the general rate is increased to 3*s.* in the £1 instead of 2*s.* 6*d.* (s. 15).

Councils are empowered also to remit or excuse the payment of rates during the period spent on active service by soldiers or sailors, and to refund rates already paid by such rate-payers (s. 16).

Councils are empowered to borrow money to manufacture reinforced concrete pipes for use in works or undertakings which the municipality is authorized to carry out (s. 18), and also to obtain advances from any bank by overdraft of current account to the amount of the moneys invested by them in any War Loan of the Commonwealth of Australia—and this is to be in addition to the amount of advance by overdraft the Council may obtain under the provisions of the Principal Act (s. 19).

In addition to fixing the maximum weight to be carried over any bridge or culvert, the maximum rate of speed at which vehicles may be driven or drawn over them may now be fixed by any council (s. 20).

Garden plots in or upon any pathway or footway may be established by any council and rates levied for the purpose (s. 22). This is, of course, to allow improvement to highways by the introduction of street beautification schemes.

To the provision of the main Act that plans of subdivisions of land must be submitted to the council is now added a provision for the council insisting on the rounding off the several corners at the junction or inter-

section of streets, lanes, etc., to facilitate the traffic (s. 23), and so saving councils the expense of acquiring the land at a later date.

An enabling clause (s. 24) allows councils to construct drainage only in private streets at the cost of certain owners instead of having fully to construct the streets, for it often happens that new streets do not need constructing but simply require the construction of drainage works to carry away the roof and surface waters; another clause (s. 25) empowers them to charge a higher rate of interest where payment for private street construction is made by instalments.

The power already given to Municipal Councils to unite in building a bridge away from the common boundary of several municipal districts is to apply to cases where only two municipalities are concerned, and to the erection of bridges at places not on the common boundary (s. 27).

Owners and drivers of traction engines are now to give not less than twenty-four hours' notice of intention to drive such vehicles through any municipality (s. 28).

S. 30 gives power to require the owner fronting, adjoining or abutting upon the footway of any street or road to provide a bridge or crossing (s. 31) and so obviate the damage done by driving over footpaths, gutters and drains leading to private property.

S. 34 provides for moneys from the municipal fund being used and applied in connexion with the celebration of Empire Day.

The remaining sections extend provisions of the Municipal Act to the city of Melbourne and the city of Geelong, and make some minor amendments.

Income-tax (No. 3153).—Amongst the provisions of this Act is a "children's allowance," under which any person ordinarily residing in Victoria, whose income does not exceed £800 per annum, may deduct from his assessment £30 in respect of each child under sixteen years of age, and wholly maintained by him. Any tax-payer may deduct the medical expenses of himself or any member of his family under twenty-one, and burial expenses to the amount of £20.

Land Tax Act (No. 3156) declares the rate of land tax for the year ending December 31, 1922, *i.e.* one halfpenny in every pound sterling of the unimproved value or total unimproved value of all land or lands of any owner exceeding £250.

The Administration and Probate Act (No. 3154) amends the principal Act. Under the principal Act (1) gifts made by the deceased within twelve months before his death or gifts made by him at any time in which he retained any interest (s. 143); (2) joint transfers or investments to the extent of the beneficial interest that passed at death by survivorship (s. 144); (3) property over which deceased had general power by deed or will to dispose of (s. 145); (4) conveyances or gifts with intent to evade payment of duty (s. 146), are all chargeable with duty as though part of the estate of the deceased.

This amending Act determines the method of arriving at the amount of duty to be paid, and incidentally restores the practice previously existing of the Commissioner of Taxes which had been overthrown by the States Full Court's decision in the case of *Ferguson* v. *The King* (1920) V.L.R. 451. The High Court of Australia had in *Heward* v. *The King* 3 C.L.R. 117, decided that real or personal property, the subject of a conveyance or assignment, etc., falling within the ambit of s. 143 must, for the purpose of calculating duty, be treated as an estate in itself and not

as part of the estate of deceased, and that such property must be aggregated with the estate of the donor for the purpose of determining the rate of duty on that separate estate. The Supreme Court of Victoria in Ferguson's case held, as a corollary of the High Court decision, that such property, though aggregated with the estate of the donor for the purpose of determining the rate of duty, could not be aggregated with property the subject of other conveyances or assignments, etc., of real or personal property by the donor falling within the ambit of the said section. It had been the Commissioner's practice to aggregate the value of the gifts (in the cases of more than one gift) for the purpose of calculating the duty payable thereon ; but this was held to be an incorrect practice, and the High Court of Australia in *Lennox* v. *The Commissioner of Taxes for Victoria*, 29 C.L.R., 579, approved of Ferguson's case, and followed and applied Heward's case. The effect of these decisions would have allowed a person to divide up his estate within twelve months of his death by a number of small gifts to relatives or other persons and so avoid duty altogether, or reduce it to almost a nominal amount, and that was a serious revenue consideration. This amending Act remedies this and restores the previous practice of the Commissioner. It says " for the purpose of assessment of duty . . . all properties subject to duty under . . . ss. 143, 144, 145 and 146 of the principal Act shall be treated as though forming part of the estate of the deceased, and each of them shall be chargeable with duty accordingly ; and the sum of the values of such properties shall be added to the value of the estate and duty shall be payable on the total amount so obtained and at the percentage rate applicable to such amount under Part I or Part II of the Tenth Schedule.

Country Roads (No. 3137).—This Act contains various provisions concerning the work carried on by the Country Roads Board. Amongst other things it prohibits the erection or exhibition of any advertisement upon any main road under the control of the Board, and the provision is retrospective. " Advertisement " under the Act includes any advertisement attached to or exhibited upon any rock, cliff, cutting, tree, post, fence, bridge, culvert or structure in or upon any main road, but does not include any advertisement exhibited by any Government department or by the Council of any municipality."

The Lands Compensation Act (No. 3141) merely substitutes for the declaration required by the principal Act to be made and subscribed in the presence of a police (*i.e.* stipendiary) magistrate by an arbitrator or umpire before he entered upon the consideration of any matter referred to him, or by a surveyor or valuator before he entered upon the duty of making a valuation, a declaration to be made and subscribed in the presence of a justice of the peace.

Land Act (No. 3166) enlarges and increases the opportunities for the settlement of people on Crown lands. A lessee of " mountainous lands " is to be entitled to exemption of part of his half-yearly payments of rent on proving to the satisfaction of the Board of Land and Works that he has reduced an area of not less than one-tenth of such land to clean grass or cultivation, and may get additional exemptions in subsequent years if the said portion continues to be properly grassed or cultivated and an additional portion has been reduced to clean grass or cultivation (s. 2).

As to land acquired by the Closer Settlement Board in any mountainous area the Minister may direct that no instalment of purchase money and

interest shall be payable for any period fixed by him not exceeding ten years, and may extend the term of the lease accordingly, and interest at 5 per cent. per annum for the preperiod so fixed is to be added to the capital value of the allotment and repaid as part of the instalments of the purchase money. The lessee for each year of the preperiod is to reduce at least one-tenth of the allotment to a state of clean grass or cultivation (s. 3).

S. 4 creates a new class of unalienated Crown lands, viz. Class 4A, grazing lands of the poorest quality, and makes provision for the extent to which they may be selected and the covenants as to the improvements that are to be made, etc.

S. 5 authorizes the Minister to declare certain land to be specified in the notice in the *Government Gazette* as land available for selection by applicants in and from Great Britain and Ireland or any part of the British Dominions.

S. 6 deals with the setting apart of certain areas as landing places for aeroplanes and for the Commonwealth or State air navigation purposes.

S. 7 allows the alienation of certain water reservoirs as to which the State Rivers and Water Supply Commission certifies they are no longer required for water supply purposes.

S. 12 permits the clearing and cultivation of reserves under grazing licences by the licensees when duly authorized by the Minister and also the clearing and cultivation of certain Crown lands under grazing licence by the licensees pending the supply of water for irrigation.

To aid in the destruction of vermin and the eradication of noxious weeds power is given to grant grazing licences of areas of Crown lands to adjoining holders with a condition as to the destruction of vermin and noxious weeds for any term not exceeding seven years, and at such annual fee as the Minister thinks fit (s. 13).

S. 17 adds to the classification of Mallee lands of new and lowest class, viz. Class 4A land, the unimproved value of which is 4s. per acre, and allows a settler to take up 4,000 acres of it as a living area.

S. 19 provides for the omission in the Crown Grant that issues ultimately to a person taking up Mallee lands of the permanent residence and cultivation conditions after the currency of the lease.

There are added also a number of provisions dealing with the aggregation of Mallee lands, a number of amendments as to the River Murray Settlements lands, and provisions for the transfer to the State Rivers and Water Supply Commission of certain powers with respect to Murray Settlements lands, and finally a number of minor amendments of the Land Act.

Mines Act (No. 3155) enlarges the meaning of the term "mineral" in the Mines Act to include gems, precious stones, mineral oil, natural gas and mineral water, and the ores and earths of all minerals (s. 2).

It increases also the rates for rents for mineral leases of both Crown and private lands (s. 3), and it extends the provisions of Division 2 of Part III, of the Principal Act to quarries, clay-pits and sand-pits (s. 6).

Pounds Act (No. 3144) is a short amending Act. It gives municipal Councils, where the pound in the district is of insufficient size to hold conveniently the cattle required to be impounded therein, power to appoint other places for the purpose, and empowers the pound-keeper to place cattle in such appointed places, and the like consequences follow

as if the cattle were lodged in the pound with respect to sustenance fees, trespass rates, etc., as are provided by the principal Act. It also authorizes any two justices to give written authority for the destruction of any bull or bull-stag liable to be impounded if it is so ferocious that it cannot be impounded without risk to human life, and for the carcass to be sold and proceeds paid to the pound-keeper and owner. Lastly, it provides that where the proceeds from the sale of impounded cattle prove insufficient to discharge any cattle charges, sustenance fees, etc., the deficiency may be recovered from the owner of the cattle summarily as a civil debt in a Court of Petty Sessions.

Transfer of Land Act (No. 3168) enacts that upon the registration of the transfer of an allotment of land by reference to a plan of subdivision deposited with the Registrar there shall be included and be deemed always to have been included a grant therewith of all such easements of way and drainage over the land appropriated or set apart for those purposes respectively on the plan of subdivision as may be necessary for the reasonable enjoyment of the allotment transferred. It enacts also that service of notices under the Transfer of Land Acts may be made by registered letter posted to the person to be served at his address for service, and if the letter is returned by the Post Office the Registrar may (1) direct any further notice to be given ; or (2) direct substituted service ; or (3) proceed without notice.

State Electricity Commission (No. 3171).—This Act, *inter alia*, applies to the State Electricity Commission the provisions of s. 83 of the Companies Act, 1915, as to the form in which contracts may be validly made.

Victorian Wheat-growers Corporation (No. 3134).—The exigencies of the war led to successive " pools " under which various products, including wheat, were acquired or dealt with by a single control established by or under the Government. There has grown up among producers, or some of them, a desire to continue a system which secures them, whatever the state of the market, a price guaranteed by Government, and allows them the benefit of any surplus which may be realized in fact. The present Act incorporates a farmers' body for the purpose of dealing with the 1921–22 harvest, with power to acquire wheat by contract, at a price of 3*s*. 4*d*. per bushel, and in addition such amount as the Corporation determines to be distributable from the available surplus after payment of expenses. The Government guarantees the operations of the Corporation to the amount of 3*s*. 4*d*. per bushel and 8*d*. for expenses.

Licensing Magistrates Act (No. 3128) protects or preserves the rights of any public servant with superannuation and other rights under the provisions of Act 160 who may be appointed to the office of a licensing magistrate or as a member of the Licences Reduction Board by enacting (1) that his service as such magistrate or member of the Board shall be taken to be service within the meaning of Act 160, but that he shall on retirement from, or on ceasing to hold such office, be entitled only to such superannuation, etc., computed on the rate of salary received by him before being appointed to be a licensing magistrate ; (2) that he shall (while being or continuing to be or on ceasing to be a licensing magistrate, or member of the said Board) be eligible on the recommendation of the Public Service Commissioners to be appointed to an office in the public service with a classification and emolument corresponding with or higher

than that which he held in the public service before the said date, as if the period of his service as a licensing magistrate, etc., had been service in the public service.

Lunacy Act (No. 3142) confers on the Master-in-Lunacy in respect of the property and estates of any lunatic, in addition to the general powers conferred upon him by the Lunacy Acts, all the later powers and authorities subject to the like limitations as are, by Division 3 of Part V of the principal Act as amended by any Act, given to the committee of the estate of a lunatic.

Under s. 131 of the principal Act the Master-in-Lunacy is empowered and required to undertake the general care, protection, and management or supervision of the estates of all lunatics and lunatic patients.

The principal Act defines "lunatic" as a person idiot, lunatic, or of unsound mind and incapable of managing himself or his affairs and whether found lunatic by inquisition or not; and it defines "lunatic patient" as any person detained or at any time received into, detained or ordered to be received into or detained in any hospital for the insane, hospital for the criminal insane, receiving house, receiving ward or licensed house.

Under s. 179 of the principal Act the Master-in-Lunacy had conferred upon him, in respect of the property and estate of any lunatic patient, in addition to the general powers conferred upon him by Division 1 of Part V, all the like powers and authorities, subject to the like limitations, as are by Division 3 of Part V given to the committee of the estate of a lunatic. But in respect to the care, protection and management or supervision of the management of the estates of lunatics he was not given the powers given to the committee of the estate of a lunatic, and this short Act confers these latter powers.

Firearms Act (No. 3136) is based upon the provisions of 10 & 11 Geo. V, c. 43. It aims at checking the indiscriminate sale of concealable firearms by the issue of licences to gun-dealers who are to keep a record of each transaction, and by requiring a pistol certificate for those who own or desire to own a pistol or revolver, and a pistol permit for those who carry a pistol or revolver. Smooth-bore shot-guns or air-guns and air-rifles (other than those of a type declared by the regulations to be specially dangerous) are excluded from the provisions of the Act. The manufacture of all weapons for discharging gas or poison of any sort is prohibited (s. 32). Gun-dealers are to be licensed (s. 5) with certain exceptions (s. 6), such as wholesale gun-dealers, auctioneers, etc. The Chief Commissioner of Police or any authorized officer of police may issue and renew these licences (s. 7), and special provision is made for such licences to firms or companies (s. 8) and the licence is to cease if the business premises in respect of which the licence is in force is assigned (s. 9); but provision is made for carrying on business on death, insolvency or lunacy of the licensee (s. 18) and for the annulment of the licence for certain causes (s. 12). The duty of the holder of a gun-dealer's licence to register each transaction is set forth in s. 17, and penalties are provided for false entries, etc. (ss. 18 and 19).

A person who wishes to purchase a pistol must apply for a pistol certificate to the local police officer, who has to be satisfied that the applicant has a good reason for requiring it, and can be permitted to purchase it without danger to the public safety or to the peace (s. 21). The applicant must produce this certificate to the licensed gun-dealer, who

must complete the entries on the certificate, and send it to the issuing police officer within forty-eight hours (*ib.*).

A person who wishes to carry a pistol for protection must satisfy the local authorized police officer as to his reasons, and will then receive a permit limited to twelve months (s. 22).

The possession of unregistered pistols is prohibited, and everyone in possession of a pistol is required to register his firearm for a term of three years (s. 23). A pistol certificate or a pistol permit or the registration of a pistol shall not be made or given to any prohibited person or to one of intemperate habits or of unsound mind, or who for any reason is unfitted to be entrusted with a pistol (s. 24).

Penalties are provided for persons selling, purchasing, possessing or carrying pistols contrary to the Act (s. 25), and certain classes of persons who of necessity are concerned with firearms are exempted (*ib.*), and certain other classes are forbidden to purchase, possess or carry firearms, *e.g.* those under eighteen years of age, drunken and insane, and those convicted of felony, etc. (ss. 29–31).

A right of appeal to a Court of Petty Sessions is given to persons aggrieved by the refusal of the police to issue or renew a gun-dealer's licence or to grant a pistol certificate or a pistol permit (s. 35), and the Governor in Council has to make all necessary regulations for carrying out and giving effect to the Act (s. 40).

Dog Act (No. 3169) amends the Dog Act, 1915, under which (s. 49) the registration of dogs within each municipal district was fixed for March 1, and fifteen days thereafter, or within six months from the day on which the dog was littered. In many county municipalities the same officer holds the joint position of dog registration officer and thistle inspector, and the month of October is the most suitable time for thistle inspection. The amendment is to authorize the appointment of any day other than March 1 in each year for registration of dogs (s. 2). It provides also that the last preceding annual registration of dogs shall be deemed, notwithstanding the expiration of a year in which such registration was made, to be effective during the period between the termination of such year and the day so appointed (*ib.*).

Inter-State Destitute Persons Relief (No. 3140).—This Act extends and applies to New Zealand as if it were a State of the Commonwealth, the Inter-State Destitute Persons Relief Act, 1915.

Discharged Soldiers Settlement (No. 3130).—This Act raises the amount of money to be provided for this purpose under the Act of 1917 from £14,000,000 to £18,000,000. S. 4 provides that where a discharged soldier has ceased to reside on lands acquired under the Act he shall lose the benefit of any order which may have been made by the Minister directing that for any period no instalment of purchase money or interest or rent shall be payable.

7. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq., LL.D.]

The first session of the eleventh Parliament of Western Australia lasted from July 28, 1921, till January 13, 1922, and during that period fifty-two Acts were passed. Of these a number are ordinary financial

measures or of a local or temporary character, and do not call for review. The others are reviewed below.

Electoral Law (No. 7 of 1921) is an attempt by the State Parliament to take the sting out of an Act of the Federal Parliament.

The Federal law disqualified members of the State Parliaments from being candidates for the Commonwealth Parliament. Consequently, the Act under review provides that if a member resigns in order to become a candidate for the Federal Parliament and fails to secure such election and is nominated as a candidate for the vacancy occurring through his own resignation from the State Parliament, the returning officer shall forthwith, without holding a poll, declare him duly elected. This is very ingenious, but it was labour in vain, for immediately afterwards the Federal Parliament passed an Act (No. 4 of 1921) disqualifying any person who has resigned from the Parliament of a State and has the right, under the law of the State, if not elected to the Parliament of the Commonwealth, to be elected to the Parliament of the State without the holding of a poll.

Official Trustee (No. 8) provides for the appointment of an Official Trustee who shall have the care and management of money under the control of the Supreme Court and of the estates of insane persons.

Administration Act Amendment (No. 13).—It is now the recognized practice in Australia to allow trustees, executors and administrators to be remunerated. The Administration Act allowed commission to administrators ; this Act extends it to executors.

State Children Amendment (No. 14) amends the State Children Act in various details. It provides that it shall not be obligatory upon justices sitting in a Children's Court to issue any warrant of execution or to impose any alternative of detention in default of payment of a fine by any child.

The Act also empowers the Secretary of the State Children Department, or any officer authorized by him, at all reasonable hours of the day or night, to enter any theatre, place of amusement, shop, factory, warehouse or other place in which children are employed, or are reasonably supposed to be employed, and to make all such investigations and inquiries relative to such children as may be deemed advisable.

This Act also repeals the law relating to bastardy and affiliation orders, which is continued in an Act of 1875 and which follows the English law closely, and the making of such orders will henceforth be regulated entirely by the provisions of the State Children Act.

Building Societies (No. 16).—After the passing of the Building Societies Act, 1920, it was discovered that existing societies would not register under it. There was nothing to compel them to do so, as their registration as unincorporated societies was unaffected by the repeal of the Act of 1863. To remedy this state of affairs the Act under review enacts that registration under the old law shall cease to have effect on February 28, 1922. It further provides for vesting in societies when registered and incorporated all property formerly vested in their trustees and prohibits the formation or continuance of building societies which are not duly registered and incorporated under the Act of 1920.

Stallions (No. 17).—This Act provides for the registration and certification of stallions. It provides for the issue of certificates of fitness in respect of stallions by the Chief Inspector of Stock on the report of an examining authority. An examining authority consists of a veterinary

surgeon approved by the Governor and two competent judges of horses to be nominated as prescribed. The decision of such authority must deal with the two questions of unsoundness and conformity to a reasonable standard. Regarding the former, the opinion of the veterinary surgeon is to prevail, whilst the latter is determined by the majority of the examining authority.

No uncertified stallion is to be used for stud purposes, except on mares which belong to the owner of the stallion. If an application for a certificate in respect of a stallion is refused an appeal lies to a board consisting of the Chief Inspector of Stock and two members of a panel of referees constituted under the Act. The appeal board must forward its decision to the Minister who, after consideration of the opinion of the board, can allow or dismiss the appeal or vary the decision appealed from.

Wheat Marketing (No. 18).—This Act continues the Government Wheat " Pool " for the season 1921–22. This is probably the last season for which the " Pool " will be in operation.

Evidence (No. 19).—This short Act is intended to facilitate proof of property in goods stolen from ships or wharves. The production of an apparently genuine bill of lading, manifest or other shipping document relating to the property stolen to property which may be reasonably assumed to be the property stolen, is to be *prima facie* evidence of the matters stated in such document and that the ownership of such property is in the consignee referred to in the document, or his assignee.

Reciprocal Enforcement of Judgments (No. 20).—This Act follows Part II of the Imperial Administration of Justice Act, 1920. The Act extends to the United Kingdom, but does not extend to any other part of the King's Dominions until the Governor, on being satisfied that similar provisions exist there with respect to Western Australian judgments, extends the Act thereto by Order in Council.

The Act has no inter-State application, as the inter-State enforcement of judgments is regulated by Federal legislation.

Local Courts (No. 21).—The matters provided for in this Act are :

(i) The representation of a judgment creditor, on the hearing of a judgment summons, by a clerk or servant in the employment of himself or his solicitor.

(ii) The granting of summary relief to a plaintiff in a Local Court action in the same way as relief may be granted in the Supreme Court under Order XIV.

(iii) The furnishing by the defendant of particulars of his defence on the order of the magistrate made on the plaintiff's application.

Mining (No. 22).—This is an amendment of Part III of the Mining Act Amendment Act, 1920 (reviewed in a previous number of this *Journal*),[1] and still further protects the interests of tributers. Amongst the provisions of the Act the following may be specially noticed :

(i) No tribute shall be payable unless those tributers engaged in the actual working of the ground have earned at the rate of £3 10*s*. per man per week for the periods worked by them respectively after paying the cost and expenses of mining, treatment and realization (exclusive of their own wages).

(ii) In all contracts between a tributer and the owner of a treatment plant (whether the lessee of the mine under tribute or not) relating to the treatment of gold ore :

[1] See *Review of Legislation*, May 1922, p. 95.

(*a*) It shall be obligatory on the part of the owner of such plant, when the ore is purchased on assay value, to account for all ores received by him from the tributer for treatment on the basis of not less than 90 per cent. extraction of the assayed value of the ore, unless in the case of refractory ores the Warden shall otherwise order:

(*b*) The owner of the treatment plant shall also account for and pay to the tributer not less than 50 per cent. of any premium received by him on the sale of the gold obtained from the ore.

Courts of Session (No. 24).—By this Act the existing Courts of Quarter Sessions are abolished and new Courts—to be called Courts of Session—are substituted. Power is given to the Governor to establish Sessions Divisions in the State, and to appoint a Court for any such division. Every such Court will be held before:

(*a*) The Chairman of the Court, who must be a police or resident magistrate; or

(*b*) The Chairman and one or more justices (being justices for the State or of a magisterial district, constituting or comprised in the division), or

(*c*) A Judge of the Supreme Court.

A judge will not sit in any Court of Session except pursuant to a writ, which may be issued by the Supreme Court at the instance of the Attorney-General, and which may require any cases pending in a Court of Session to be tried by a judge.

The jurisdiction of Courts of Session will extend to all classes of crime, but no Court will have power to deal with cases of murder, piracy, treason, sedition, and other offences of a political character unless it is held before a judge.

The course of procedure will be as nearly as may be the same as that followed in criminal cases before the Supreme Court, and all trials will be by jury.

Reciprocal Enforcement of Maintenance Orders (No. 27).—This Act follows, in the main, the English statute 10 & 11 Geo. V, c. 33, and provides for the enforcement in this State of Maintenance Orders made in other parts of the British Dominions and for the making of orders in the State with a view to their enforcement elsewhere. The Act, however, goes beyond the English measure and gives more than will be received in return. Thus, its application to the United Kingdom and New Zealand is not made dependent on reciprocal advantages being received. Further, by extending the Act to Scotland and by including affiliation orders, the Legislature has undertaken to recognize orders made in a country which cannot, as the law stands at present, reciprocate, and has enabled affiliation orders to be recognized, though under the Imperial Act there is no provision for the recognition of such orders when made in this State.

This Act does not extend to the other States of the Commonwealth, as inter-State enforcement of maintenance orders is governed by other legislation.

Gold Buyers (No. 28).—This Act is for the regulation of the buying, dealing in, assaying and treatment of gold and gold matter. This latter expression includes copper plates, slags, magnetings, battery or assay office sweepings or refuse, concentrates, precipitates, or other matter containing gold as the result of the treatment of ores, etc.

The Act provides that :

(*a*) No person shall buy any gold unless he is the holder of a licence as a gold buyer ;

(*b*) No person shall assay or smelt gold unless he is the holder of a licence as a gold assayer ;

(*c*) No person except a bank shall hold a gold buyer's licence ;

(*d*) No licensed assayer shall sell gold, and no person shall sell gold for him except as may be prescribed by regulations made under the Act.

(*e*) Subject to s. 17 of the Act, no person shall buy gold matter unless he is the holder of a licence to deal in gold matter. A dealer in gold matter, when licensed, may sell gold matter or buy gold matter and may smelt and sell gold matter ;

(*f*) No person shall buy gold ore except as prescribed by s. 17 of the Act.

Licences to assay and smelt gold or deal in gold matter may be issued by a Warden ; but no such licence may be granted to any Asiatic or African alien, nor to any person of Asiatic or African race claiming to be a British subject, without the permission of the Minister, or to any manufacturer of jewellery or other manufacturer of gold.

Though ordinarily a gold buyer's licence may only be issued to a bank, yet the Minister may, on the application of a bank or after notice to the licensed banks grant a special gold buyer's licence to any person in any part of the State.

S. 17 of the Act provides that the Minister may :

(*a*) Issue a gold assayer's licence to the principal officer of any school of mines or any manager of a Government battery, smelting works, or ore-treatment plant ; or

(*b*) Issue a gold assayer's licence to the proprietor of a crushing battery or treatment works, and the holder of such a licence may sell gold the product of his own crushing battery or treatment works.

Any gold assayer's licence issued under this section entitles the holder thereof to buy gold ores, concentrates, sand, or slimes from any lease-holder, claim-holder, holder of a prospecting area, or registered tributer ; but the sale must be effected by a contract in writing setting forth that the matter purchased was taken from the holding of the seller.

Somewhat elaborate provisions are made for the keeping of books by licensed gold buyers, assayers, and dealers in gold matter, and for the prevention of illicit or fraudulent dealing in gold or gold matter.

Provision is made for the smelting and sale, by a registered holder of a miners' right or a leaseholder, of gold the result of his own mining operations ; but this privilege can only be enjoyed if the person concerned duly registers his name and address and the particulars of his smelting or treatment appliance at the nearest police station.

Any manufacturer of jewellery or other manufacturer of gold may without licence buy from the Mint or any bank gold for his own manufacturing purposes in the ordinary course of his business and may smelt such gold ; but he must enter a strict account of all such transactions in a gold entry book kept by him.

Still another form of licence is provided for by the Act. The holder of it is called a licensed buyer of wrought gold. No person who is not the holder of such a licence will be permitted to buy wrought gold at its metal value—that is to say, its value to the buyer according to its carat quality.

The holders of these licences must also keep books and comply with precautions considered necessary to prevent illicit dealing.

Persons in possession of or dealing or seeking to deal with gold may be called upon to show how they came into the possession or control of the gold, and if any such person fails to prove to a magistrate that his possession or control of the metal was obtained honestly, he may be convicted of an offence against the Act.

Further, to enable the authorities still better to keep track of all dealings with gold, it is provided that every person who shall receive, as a bailee, gold exceeding the value of £20 shall keep a record in writing of the transaction and shall, on demand, produce such record for inspection by any officer of the Department of Mines authorized by the Under-Secretary for Mines, a warden or a magistrate, to require such production.

Auctioneers (No. 29 of 1921).—This is, in the main, a consolidating measure, and, though it contains various amendments, none of them is of a very striking character.

A new feature is introduced in s. 19, which enables a person to take out an auctioneer's licence on behalf of a firm or company.

The law is further altered in regard to the granting of licences. Formerly, an auctioneer's licence was issued as a matter of course on payment of the prescribed fee. Under the new Act, no licence can be issued except with the previous approval of a magistrate. Applicants for licences must advertise notice of their intention to apply, and it is open to any person to raise objections against them. Licences are of annual duration, and an auctioneer is liable to be objected to in any year when he makes his application.

Constitution Amendment (No. 34 of 1921).—By this Act certain provisions relating to money bills are repealed and others are enacted in their place. The substituted provisions are an adaptation to the Western Australian Parliament and the Houses thereof of the provisions of ss. 53, 54, 55 and 56 of the Commonwealth of Australia Constitution. Interesting questions may arise under certain of these provisions. For instance, one subsection requires that Bills imposing taxation shall deal only with the imposition of taxation, and declares that any provision therein dealing with any other matter shall be of no effect. In case of an infraction of this subsection, what is the result ? The result in the case of the Commonwealth Parliament would be clear.

The Commonwealth Constitution is superior to the Parliament, and its restrictions have effect according to their tenor. But the Western Australian Constitution is in this respect uncontrolled and can be ignored as if it were (to use an expression occurring in the case referred to below) a Dog Act. Any Act departing from these provisions would, therefore, it appears, operate as an exception and be perfectly valid accordingly (see *McCawley* v. *The King*, 1920, A.C. 691). Similar observations might be made on the other enactments of this statute, and it is submitted that the statute can have no greater effect than joint standing orders of the two Houses of Parliament, and that no Act of the Western Australian Parliament could have its validity questioned by reason of any non-compliance with the provisions of this statute.

Health (No. 5 of 1922).—This Act at last settled a matter that had given rise to great controversy and been the subject of temporary legislation, renewable from time to time, for some years. It is now enacted

that the Commissioner of Public Health can only take compulsory action against any person as being a sufferer from venereal disease after he has received a signed statement in which shall be set forth the full name and address of the informant and which gives the Commissioner reason to believe that such person is suffering from such disease.

Nurses' Registration (No. 7 of 1922).—This Act provides for the registration of nurses. It does not, however, prohibit unregistered nurses from practising; but it penalizes any unregistered nurse who falsely pretends that she is registered or wears any badge of the form prescribed for registered nurses or so nearly resembling it as to be liable to deceive.

It is also provided that, on the appointment of nurses in public hospitals, preference shall be given to registered nurses. There is to be a board, to be called the "Nurses' Registration Board," for the purpose of carrying into effect the provisions of the Act. The Principal (Government) Medical Officer is to be chairman of the board and the other members are to be a medical practitioner and three nurses to be appointed by the Governor. The qualifications for registration include a period of practical training (generally three years) and, subject to certain exceptions, the passing of an examination.

The board is empowered to control the training of nurses.

Any registered nurse convicted of an indictable offence is to have her name erased from the register; and any registered nurse who is proved, to the satisfaction of the board, to have been guilty of grave misconduct is liable to have her name removed from the register.

Land Agents (No. 9 of 1922).—The registration or licensing of persons engaged in various callings appears to be the order of the day, and by this Act Land Agents are made subject to this process of registration. They are forbidden to carry on business unless licensed. Licences will not be granted as a matter of course, but only to such persons as satisfy a Court of Petty Sessions that they are fit to receive licences. The successful applicant for a licence has to pay a fee of £5 and deposit a fidelity bond for £200 from some approved insurance company or other surety. The bond is intended to secure the due application by the agent of moneys received by him in the course of his business. A licence under the Act endures only for a year and may be cancelled for fraudulent conduct.

Inspection of Machinery (No. 11 of 1922).—This Act replaces a prior Act of 1904. Many alterations in detail are made and the scope of the measure is more general than that of the repealed Act, for it extends to all machinery (subject to certain special exceptions set out in the Act) worked by steam, water, electricity, gas, oil, compressed air, or by any other power (other than machinery driven by hand, treadle, wind or animal power) and used in any manufacturing or industrial process.

The powers of inspection contained in the old Act are continued.

There are better provisions for ensuring safety and guarding against accidents, and generally the provisions of the old Act are extended and improved.

Architects (No. 13 of 1922).—This is another Act for the regulation of a calling by means of registration. A board is established, called "The Architects' Board of Western Australia," consisting of nine members—three to be appointed from time to time by the Governor, and six to be elected from time to time by the registered architects from among their number. To overcome the difficulty of a board being required before registration can take place, the Governor is empowered to appoint a

provisional board. The Act defines the qualifications for registration. The qualifications required for those applying for registration within six months after the commencement of the Act are different from those required for persons applying after that date. In the case of the latter, the passing of an examination or the completion of some course of study, or registration as an associate, licentiate or fellow of an Institute of Architects is essential; but in the case of the former adequate practical experience is sufficient. Provision is made for cancellation of registration and for removal of the name of any registered architect or suspension of his registration. Unregistered persons are prohibited from practising.

Income-tax (No. 17 of 1922).—Two provisions of this Act are of sufficient general interest to be noted. It was decided by the High Court of Australia in *Commissioner of Taxation for Western Australia* v. *Newman* (29 C.L.R. 484), that when a business is sold as a whole, then, no part of the money received is income, even though a distinct portion of the purchase money is allocated to the stock-in-trade. To overrule this decision the Act provides that the profits arising or accruing to any person from the sale of any business as a going concern shall be deemed to be income so far as such profits are derived from the sale of stock-in-trade, live stock or other goods or effects, the proceeds of which, if disposed of in the ordinary course of trade, would have been taxable income.

In the case of *Taxation Commissioners* v. *Mooney*, 1907, A.C., at p. 350, the judgment of the Privy Council states: "Their Lordships agree with the High Court that a change in the form of property by a person who does not traffic in that kind of property cannot be regarded as producing income taxable under the Income-tax Acts."

It followed that prospectors who sold mining properties in which it is their business to deal were taxable on the profit and were thus frequently mulcted very severely. But many other sales of mining properties escaped taxation.

This Act departs from legal principle in order to deal out what is no doubt thought to be practical justice. It provides that the profits arising from the sale of a mining property shall be income except in the case of a property acquired by the registered owner as a prospector or person by whom or on whose behalf the ground was *bona fide* prospected, or by a vendor as registered owner by whom the property has been *bona fide* and efficiently worked.

8. NEW ZEALAND.

[*Contributed by* James Christie, Esq., LL.M., *Parliamentary Law Draftsman.*]

Acts passed: Public and General—74; Local and Private—21.

Two sessions of Parliament were held in the year 1921. The first was an emergency session held prior to the departure from New Zealand of the Prime Minister (Rt. Hon. Mr. Massey) for the purpose of attending the Imperial Conference in London. This session commenced on March 10 and lasted twelve days. The second session was held after Mr. Massey's return and commenced on September 22, adjourned over the Christmas and New Year holidays, and continued until February 11, 1922. In all 74 Public Acts, 20 Local Acts and 1 Private Act were passed.

The result is an unusually bulky Statute Book. Of the 74 Public Acts passed 3 (viz., (1) Death Duties, (2) Factories and (3) Shops and Offices) are consolidations, with amendments, of existing legislation. These consolidating measures are largely the work of the Compiler of Statutes appointed pursuant to the special legislation of 1920.

Samoa.—The Samoa Act is an enactment without material alteration of the Samoa Constitution Order which was made under the joint authority of the Western Samoa Order in Council, 1920 (Imperial), and the Treaties of Peace Act, 1919 (New Zealand), making temporary provision for the peace, order, and good government of the territory of Western Samoa.

Forests.—The Forests Act is an indication of the intention of the Government to protect and extend the forest resources of the country.

Patents.—The Patents, Designs and Trademarks Act is a consolidating measure which incorporates the substance of amending Acts recently passed by the Imperial Parliament.

Meat Export.—The Meat Export Control Act confers on a specially appointed Board (representative of the Government and of meat producers) power to control the whole of the meat export trade of New Zealand. Probably no measure passed during the recent session marks a greater departure from the old order of things than does the Meat Export Control Act.

Public Expenditure.—Another measure of local importance is the Public Expenditure Adjustment Act, the object of which is to reduce the rate of expenditure for public services in sympathy with the reduction of the revenue, following on the deflation of the prices received for our primary products. With few exceptions the Act affects the rates of remuneration of all servants of the State ; a complementary measure is the Industrial Conciliation and Arbitration Amendment which enables the Court of Arbitration, having regard to the fall in the cost of living and to other relevant facts, to reduce the rates of wages as fixed by awards or industrial agreements.

The following review deals only with those enactments that are of more than local interest.

Mortgages.—The Mortgages Extension Amendment Act, 1921 (No. 1) —(which was repealed by an Act passed later in the same session, viz. the Mortgages and Deposits Extension Amendment Act, 1921–22) [1]— related (*a*) to mortgages within the meaning of the Mortgages Extension Act, 1919, and (*b*) to deposits. So far as it related to mortgages proper it merely extended the operation of the Act of 1919 to December 31, 1921. The duration of this Act has since been further extended to December 31, 1924. In so far as it related to deposits the Act under review made provision by which holders of deposits (other than banks) may, by serving notice on the lender, be protected from calls until December 31, 1921, subject to the payment of an additional 1 per cent. interest.

Finance.—The Finance Act (1921, No. 5) was passed in the short session mainly for the purpose of making financial provision to enable the Government to carry on until Parliament should meet later in the year.

Part I (relating to the Public Revenues) extended until October 31, 1921, the appropriations for the preceding financial year. Part II fixed the rates of land tax and income-tax for the year commencing

[1] See review of Act No. 30.

April 1, 1921. The rates fixed are those provisionally prescribed by the Land and Income-tax Amendment Act, 1920. Part III authorized the Minister of Finance to borrow £2,500,000 for public works. Part IV relates principally to financial matters affecting local and public authorities. Part V contains, *inter alia*, provisions relating to Patents, Designs and Trade-marks. In particular it enables the Governor-General by regulations to extend times for the purpose of giving effect to the Berne agreement for the restoration of rights of industrial property affected by the war. Following the provisions of the Patents and Designs Act, 1919 (Imperial) (9 & 10 Geo. V, c. 80) the term of patents was extended from fourteen to sixteen years. These amendments of the law as to patents are embodied in the Patents Designs and Trademarks Act passed later in the session (1921, No. 18).

Treaties of Peace.—By the Treaties of Peace Extension Act, 1921 (No. 7), the duration of the Treaties of Peace Act, 1919, is indefinitely extended, save that the authority to make regulations under that Act with respect to the Government of Western Samoa is determined as from April 1, 1922 (the date on which the Samoa Act comes into force).

Land Tax.—The Land Tax Amendment Act, 1921 (No. 13), makes provision for a rebate of 10 per cent. in respect of the prompt payment of land tax for the current year. A similar provision is made with respect to income-tax (the rebate being limited to 5 per centum) by the Finance Act, 1921–22.

Orchard Tax.—The Orchard Tax Amendment Act 1921, (No. 15), extends for five years the duration of the Orchard Tax Act, 1916, by virtue of which a tax at the rate of 1*s.* per acre was imposed on the occupiers of commercial orchards, the net proceeds being devoted to the interests of the fruit-growing industry (see *Journal*, New Series, No. xli, p. 161).

Samoa.—The Samoa Act, 1921 (No. 16), which replaces the Samoa Constitution Order in Council, is generally on the lines of the Cook Islands Act, 1915 (*Journal*, New Series, No. xxxviii, pp. 103–6). It is divided into Parts as follows:

Part I. The Executive Government of Samoa (providing for the appointment of an Administrator and of officers of the Samoan Public Service).

Part II. The Legislative Government of Samoa (providing the necessary machinery for purposes of local government).

Part III. The High Court of Western Samoa (establishing the High Court and defining its jurisdiction, both civil and criminal).

Part IV. The Supreme Court of New Zealand (defining the jurisdiction of the Supreme Court of New Zealand with respect to matters arising in Samoa).

Provision is also made for appeals from the High Court to the Supreme Court and for the hearing by the latter Court of cases stated by the High Court.

Part V. Criminal offences.

Part VI. Criminal procedure.

Part VII. The law of evidence (conferring on Courts—including all persons acting in a judicial capacity—a discretionary power as to the admission of evidence, and specifically enabling any such Court to accept and act on such evidence as it thinks sufficient, whether such evidence is or is not admissible or sufficient at common law).

Part VIII. Crown Suits.
Part IX. Land.
Part X. Marriage.
Part XI. Divorce.
Part XII. Persons of unsound mind.
Part XIII. Intoxicating liquor. (The use of liquor save for medicinal, sacramental or industrial purposes is absolutely prohibited, as is also its manufacture. The right to import intoxicating liquor for the purposes aforesaid is limited to the Administrator in his official capacity.)
Part XIV. Roads.
Part XV. The laws of Samoa: general provisions (making applicable to Western Samoa certain specified rules of law and the provisions of certain New Zealand statutes).
Part XVI. Transitory provisions.

Patents.—The Patents, Designs and Trade-marks Act, 1921 (No. 18), is a consolidation of the Act of 1911, and its amendments. It incorporates the provisions of the Imperial Acts (9 and 10 Geo. V, c. 79 and c. 80). Apart from this it makes no material alteration in the law.

Customs.—The Customs Amendment Act, 1921 (No. 19), repeals the existing tariff and makes provision for:

(*a*) A British Preferential Tariff;
(*b*) An Intermediate Tariff; and
(*c*) A General Tariff.

The British Preferential Tariff is the most favourable towards importers, and is applicable to goods being the produce or manufacture of the British Dominions (including Protectorates and territories subject to a British Mandate under the Treaty of Peace with Germany).

The General Tariff is applicable to goods the product or manufacture of countries not within the British Dominions.

The Intermediate Tariff may be applied by the Governor-General in Council, in lieu of the British Preferential Tariff or the General Tariff, to goods being the product or manufacture of any specified country, whether part of the British Dominions or not.

The General Tariff may be applied to any part of the British Dominions other than the United Kingdom in lieu of the British Preferential Tariff. Furthermore, the Governor-General is authorized to impose on goods from any country rates of duty corresponding to the rates that would be chargeable on similar goods being the produce of New Zealand and imported into that country. The Governor-General is further empowered to modify any of the standard tariffs, but so that with respect to any goods the maximum duty shall not exceed the rate prescribed by the General Tariff and the minimum duty shall be not less than the rate, if any, in the British Preferential Tariff. While, therefore, the Act now under review prescribes certain duties and exemptions from duty in respect of goods imported into New Zealand, distinguishing between goods imported from British Dominions and goods imported from foreign countries, there is nevertheless vested in the Governor-General an authority to modify to such extent as he thinks fit the rates so prescribed.

The powers to modify the Tariff conferred on the Governor-General as aforesaid are declared to be exercisable:

(*a*) For the purpose of giving effect to any agreement or arrangement that may be entered into for the promotion of trade between the New Zealand Government and the Government of any other country.

(*b*) In case of the adoption by any country of an excessive tariff in respect of New Zealand goods.

(*c*) In any case where the Governor-General is of opinion that the exercise of the powers is necessary or advisable in the protection or furtherance of the public interest.

By s. 11 provision is made for the imposition of a special duty of customs (in the Act referred to as a "dumping duty"). The rate of dumping duty is, in every case, to be determined by the Minister of Customs. The dumping duty may be levied in any of the following cases, viz.:

(*a*) Where goods are imported into New Zealand of a class or kind produced in New Zealand, if the actual selling price of the goods in New Zealand is less than their current domestic value in the country of export.

(*b*) In the case of goods imported into New Zealand if the actual selling price to an importer in New Zealand is less than the cost of production plus a reasonable profit.

(*c*) In the case of goods imported into New Zealand of a class or kind produced in New Zealand or in other parts of the British Dominions, if by reason of the grant of any special concession by way of railway or shipping, freight, subsidy, special bounty or rebate in the country of origin, the importation of such goods would be prejudicial or injurious to any industry carried on in New Zealand or other part of the British Dominions.

By s. 13 provision is made for a special duty at prescribed rates on goods imported from countries having for the time being a depreciated currency. The special duty varies from a rate of 2½ per cent. *ad valorem* where the rate of depreciation does not exceed 20 per cent., to 25 per cent. *ad valorem*, where the rate of depreciation exceeds 90 per cent. The provisions relative to this special duty were found in practice to be somewhat inelastic. By an Act passed later in the session (the Finance Act, 1921–22) it was specially provided that the duty in question should be imposed in respect of any goods only if the Minister of Customs was satisfied that the importation of goods of that class would prejudicially or injuriously affect an industry established in New Zealand or other part of the British Dominions.

S. 15 repeats certain provisions of the Finance Act, 1915, imposing a duty, referred to as a primage duty (see *Journal*, New Series, No. xxxviii, p. 94) of 1 per cent. *ad valorem* on all goods (with certain specified exceptions) imported into New Zealand. The Act makes numerous other amendments of the Customs Act, 1913, of administrative importance rather than of general interest.

The Act is one of the most important of the Acts passed during the last session, and, regarded as a taxing Act, is unique in the extent to which it confers discretionary powers of taxation on the Minister of Customs and on the Governor-General in Council. The justification for such unusual procedure is in the rapidly changing conditions affecting commerce in New Zealand as in other countries. The Act is twofold in its purposes. It is primarily a source of revenue. In the second place, it affords, by reason of the discretionary powers conferred on the Governor-General and Minister, a weapon of defence against undue competition from abroad and against excessive Customs charges levied in other countries on produce exported from New Zealand.

Maintenance.—The Maintenance Orders (Facilities for Enforcement)

Act, 1921 (No. 20), provides for the confirmation and enforcement in New Zealand of provisional orders for maintenance made in the United Kingdom or elsewhere in His Majesty's Dominions. The enactment is for the purpose of complying with the conditions prescribed by s. 12 of the Maintenance Orders (Facilities for Enforcement) Act, 1920 (Imperial), for the extension of that Act to New Zealand. The present enactment differs materially from the Imperial Act, inasmuch as it makes no conditions as to reciprocity with respect to its application. S. 3 of the Act provides for the enforcement in New Zealand of Maintenance Orders made out of New Zealand, and is an adaptation of the corresponding provisions of the Imperial Act. S. 4 provides for the making in New Zealand of provisional maintenance orders against persons resident in the United Kingdom or some other part of His Majesty's Dominions. Such provisional orders are dependent for their operation on their confirmation by a competent Court out of New Zealand. S. 5 is adapted from the corresponding provisions of s. 4 of the Imperial Act, and provides for the confirmation in New Zealand of provisional maintenance orders made elsewhere within the Empire.

Death Duties.—The Death Duties Act, 1921 (No. 21), is a consolidation of the Death Duties Act, 1909, and its several amendments. It makes no material alteration in the substance of the law save that, for the purpose of gift duty, provision is made for the accumulation of gifts made within a period of twelve months. For the purpose of determining the rate of duty applicable to a particular gift the aggregate amount of all gifts made by the same donor to the same or any other beneficiary within a period of twelve months is regarded as a single gift and the several gifts comprised in such aggregate are liable to duty accordingly.[1] The rates of duty are as follows:

(*a*) Up to £1,000 in value, exempt;
(*b*) Between £1,000 and £5,000, 5 per cent.;
(*c*) Between £5,000 and £10,000, 7½ per cent.; and
(*d*) Exceeding £10,000, 10 per cent.

The Court of Appeal having held that the provisions of the original Act of 1909, as to the accumulation of gifts, were not applicable to the duties imposed by the amending Act of 1920, the Legislature has enacted that the extended provisions of the present consolidating measure as to accumulation shall be deemed to have been in force as from the passing of the amendment of 1920.

Finance.—The Finance Act (No. 2) (1921, No. 25) is divided into Parts relating to:

(1) Land Tax and Income-tax.
(2) Amusements Tax.
(3) Duties Payable in Respect of Race-meetings; and
(4) Excise Duties on Beer and Tobacco.

Part I: S. 4 is a declaratory provision relating to a frequent practice of trading companies of offering to the public debentures expressed to be free of income-tax. The section declares the practice to be valid,

[1] Although a single gift of £1,000 is exempt, eleven separate gifts of £100, made by the same donor within a period of twelve months would by virtue of the provision as to accumulation be dutiable. So also a single gift of £5,000 is dutiable at the rate of 5 per cent.; but two or more gifts of £3,000 made within a period of twelve months by one donor would be dutiable at such higher rate as would be appropriate for a gift of the aggregate amount.

notwithstanding anything to the contrary in the Land and Income-tax Act, unless it is contrary to the expressed provisions of the memorandum or articles of association of the company. The effect of the issue of such debentures is to make the company liable for any tax in respect of the debenture that would otherwise have been payable by the debenture-holder.

S. 8 is in amendment of s. 24 of the Land and Income-tax Amendment Act, 1920, which imposed on local and public authorities an obligation to pay income-tax as the agent of the holders of their debentures. This obligation has proved irksome to the authorities concerned and the present provision allows them, as an alternative, to furnish to the Commissioner of Taxes certified lists of the names and descriptions of their debenture holders. Where lists of debenture holders are supplied the liability to tax is on the debenture holder and remains with him until he satisfies the Commissioner of Taxes that he has duly transferred his interest in the debentures.

S. 11 provides a rebate of 5 per cent. in respect of the prompt payment of income-tax for the year ending March 31, 1922. The rebates of land tax and income-tax (see note on Land Tax Amendment Act, No. 13) have had the double effect of affording an appreciable measure of relief to tax-payers and of ensuring the prompt receipt of revenue.

S. 12 enables tax-payers, at any time after the assessment of income-tax, and not less than three months before the due date of payment, to pay in advance any sum (being £10 or multiple of £10) and in respect of such payment to receive interest at the maximum rate for the time being payable on deposits in the Post Office Savings Bank.

S. 13 gives to employers the right to deduct from their taxable income for the assessment of tax any amount set aside or paid into a fund to provide individual personal benefits, pensions or retiring allowances to employees. No such deduction may be made unless the Commissioner is satisfied that a fund has been established or payment made in such manner that the rights of employees to receive the benefits have been fully secured. This amendment of the law is consequent on a decision of the Court of Appeal that payments by an employer towards employees' superannuation funds were not deductible from taxable income. Though arriving at this decision individual judges expressed an opinion favourable to an alteration of the law. "It may be," said one of the judges, "that the income-tax law in its present state may be defective as tending to discourage employers from establishing schemes of profit-sharing for the benefit of their employees. It may be that, with due safeguards, the law might properly recognize profits so distributed as being in the same position as salaries and wages, and deductible accordingly by the employer for income-tax purposes."

Part II increases the rates of Amusements Tax, and brings within the scope of the tax certain classes of entertainments that were formerly exempt; *e.g.* the proceeds charged for admission to agricultural and pastoral shows, and to athletic and other sports meetings are now liable to this form of taxation. The rates of the new tax are as follows:

(*a*) Where the price paid for admission does not exceed 9*d.*, exempt.

(*b*) Where the price paid for admission exceeds 9*d.*, but does not exceed 3*s.* 6*d.*, 1*d.* for every shilling or part of a shilling.

(*c*) Where the price paid for admission exceeds 3*s.* 6*d.*, 1*d.* for every shilling or part of a shilling, plus 1*d.* extra.

Part III increases temporarily the rates of duty payable in respect of race-meetings as follows :

(*a*) The duty payable on stakes is increased from 1 per cent. to 10 per cent.

(*b*) The duty on totalizator dividends is increased from 6*d*. in the £1 to 1*s*. in the £1.

The new rates are expressed to continue in force until March 31, 1924, when the former rates are revived unless further provision to the contrary is made by legislation to be passed before that date.

Part IV increases the rates of excise duties chargeable on beer and tobacco (including cigars and cigarettes). The duty on beer is now fixed at 11½*d*. per gallon for lighter beers, with a graduated increase based on specific gravity, for heavier beers.

Education.—The Education Amendment Act, 1921 (No. 27), makes provision, *inter alia*, for :

1. The examination and registration of private schools.

2. Teachers engaged at schools, whether public or private, and whether primary, secondary or technical, to take the Oath of Allegiance, in case of British subjects, or an oath of obedience to the law, in the case of the subjects of foreign Powers.

With respect to private schools, no such school is competent to be registered unless it is certified as "efficient" by a State Inspector of Schools. Thus, while not actually prohibiting the conduct of "inefficient" private schools, the Legislature has discountenanced them by refusing to register them, leaving it to the good judgment of parents, who may prefer to send their children to private schools instead of to the state schools, to select only such schools as are approved by State Inspectors as "efficient" teaching institutions.

Native Trustee.—The Native Trustee Amendment Act, 1921 (No. 29), amends the Act of 1920 in various particulars, principally in matters of detail relating to the administration of the office. The most important amendment is that which provides for the establishment of a "common fund" (on the lines of the common fund of the Public Trust Office). All investments of moneys in the common fund are deemed to be made on behalf of the common fund, and not on behalf of any individual whose moneys have been paid into the common fund.

Mortgages and Deposits.—The Mortgages and Deposits Extension Act, 1921 (No. 30), relates to (1) mortgages, as defined by the Mortgages Extension Act, 1919 ; and (2) deposits. By the part relating to mortgages the provisions of the Mortgages Extension Act, 1919, are extended to December 31, 1924. The application of that Act is, however, not extended, being limited to mortgages executed prior to October 24, 1919 (see *Journal*, Third Series, vol. iii, pt. ii, p. 89).

Part II (relating to deposits) protects borrowers under "contracts of deposit" from being required before December 31, 1922 (in case of deposits not exceeding £1,000) or before June 30, 1923 (where the deposit exceeds £1,000), to repay deposits which may have been accepted by them, either "at call" or for repayment on expiry of a fixed period. The Act does not apply to deposits held by banks.

The conditions of the extension are :

(1) That the borrower shall pay interest at the rate of 6½ per cent. per annum, or at any higher rate that may have been fixed by the contract of deposit ; and

(2) Unless the lender has notified the borrower in writing that he does not require repayment by instalments, that the borrower shall make repayments by instalments as fixed by the Act.

Family Protection.—The Family Protection Amendment Act, 1921 (No. 33), extends the time within which application may be made for the variation of the will of a testator on the ground that he has failed to make adequate provision for the maintenance of his family.

Finance (Local Authorities).—The Local Bodies Finance Act, 1921 (No. 36), restricts the power of local authorities to borrow money on bank overdraft or on deposit, the maximum amount that may be so borrowed in any year being three-fourths of the revenue for the preceding year, and the amount outstanding at the end of the year not to exceed, in any case, the amount of revenue for that year then outstanding. With respect to liabilities heretofore incurred by way of bank overdraft or on deposit and now outstanding, local authorities are required to ascertain the amount and to furnish particulars to the Minister of Internal Affairs. The amount is referred to in the Act as the "antecedent liability" of the local authority, which is empowered to raise a special loan under the Local Bodies Loans Act, 1913, to extinguish such antecedent liability. The purpose of the measure is to convince local bodies that they must live within their means.

Insurance Companies Deposits.—Insurance Companies Deposits Act, 1921 (No. 40), repeals the Foreign Insurance Companies Deposits Act, 1908, and makes provision for deposits (by way of security) being made by companies, whether British or foreign, carrying on insurance business (other than life insurance business) in New Zealand. In fixing the amount of deposit a distinction is made, firstly, between British companies and foreign companies; and, secondly, between companies now carrying on business in New Zealand and companies which may hereafter commence business. Of companies now carrying on business in New Zealand foreign companies are required to make a deposit of £35,000 (whether carrying on one or more classes of insurance business); British companies are required to deposit £15,000 in respect of fire insurance business, a like amount in respect of employers' liability business, and £5,000 for other classes of insurance business. Future British companies are required to deposit £50,000, and foreign companies £100,000 in respect of each class of insurance business carried on by them. The deposits are made with the Public Trustee, and are held for the benefit of policy-holders and other claimants in respect of policies. They are invested in the Common Fund of the Public Trust Office and the depositors are entitled to the Common Fund rate of interest. The deposits may, after compliance with certain prescribed conditions, be withdrawn by the depositors on their ceasing to carry on business in New Zealand.

Corresponding provision with respect to life insurance is made by the Life Insurance Amendment Act, 1921 (No. 41), which requires life insurance companies to deposit with the Public Trustee by way of security the sum of £5,000 and a further sum of £5,000 for every £100,000 or part thereof, by which the total amount assured by policies current in New Zealand business exceeds £100,000, but not exceeding in any case a deposit of £50,000.

Factories.—The Factories Act, 1921 (No. 42), is a consolidation without material amendment of the Factories Act, 1908, and its several

amendments. The consolidation is part of the work of the recently appointed Compiler of Statutes.

Forests.—The Forests Act, 1921 (No. 43), replaces the State Forests Act, 1908, the substance of which has, without material alteration, been on the Statute Book since 1885. The New Zealand Government has recently appointed a professional forester (Mr. Macintosh Ellis) and the new Act gives effect in part to his first comprehensive recommendations for the conservation of existing forests and the creation of new forests.

The Act provides, firstly, for the establishment of a State Forests Service to consist of :

(*a*) The Commissioner of State Forests (being a responsible Minister of the Crown).

(*b*) The Director of Forestry.

(*c*) The Secretary of Forestry.

(*d*) Such Conservators, Rangers and other officers as may be required.

Provision is also made for the establishment of a Forest Advisory Board, with, *inter alios*, representatives of persons engaged in industries affected by forestry and of societies formed for the promotion of forestry.

Part II of the Act provides for the reservation of Crown lands, either as permanent State Forests or as provisional State Forests. The reservation over lands set apart as provisional State Forests may be reviewed by the Governor-General on the recommendation of the Minister of Lands.

The reservation over lands set apart as permanent State Forests can be removed only by resolution of both Houses of Parliament. Provision is also made for the acquisition of suitable private lands for State Forest purposes. For each State Forest, whether permanent or temporary, a map is to be prepared by the Surveyor-General and a working plan for a term of upwards of ten years to be prepared by the Director of Forestry.

Part III provides for the issue of licences to take forest produce, of leases for grazing and other subsidiary purposes of lands comprised in a State Forest, and of permits for the temporary occupation of State Forest lands for purposes not prejudicial to forestry.

Part IV makes the necessary financial provisions and establishes a State Forests Account into which all revenue derived from the operations of the Act are made payable (as well as capital moneys appropriated for the purposes of State Forests) and out of which all expenses in connexion with the administration of State Forests are made payable. The Minister of Finance is authorized to borrow the sum of £500,000 for purposes of State Forestry. This authority is a repetition of an authority given by former legislation and in computing the amount now authorized all amounts formerly borrowed and still outstanding are to be taken into account.

Part V makes provision as to offences, penalties, and incidental provisions. Special provisions are made with respect to the unlawful lighting of fires in State Forests and as to extinguishing fires that may be a source of danger, whether within the limits of a forest or not. In this connexion provision is made enabling forest officers to requisition the services of all male persons over the age of sixteen years who may be within five miles of the vicinity of any fire.

Part VI has special reference to Native Lands and makes provision for the transfer to the Commissioner, for administration as Maori Forests, of areas of forest-bearing Native Lands. The net proceeds derived from

the administration of any such Maori Forest, after deducting the costs of administration, are to be apportioned among the several Maori owners.

Anzac Day.—Anzac Day Amendment Act, 1921 (No. 44): The Anzac Day Act, 1920, made provision for the observance as a public holiday of Anzac Day, "in commemoration of the part taken by New Zealand troops in the Great War, and in memory of those who gave their lives for the Empire." By common consent the day has been observed in a religious manner, and, in sympathy with public feeling, the Legislature has now enacted that Anzac Day shall hereafter be observed in all respects as if it were a Sunday.

Public Expenditure.—The Public Expenditure Adjustment Act, 1921 (No. 45), is part of a scheme of public economy designed to reduce public expenditure in sympathy with the reduction of the public revenues due to decreasing returns from Customs duty, income-tax and other sources. With few exceptions the Act applies to all persons in receipt, whether directly or indirectly, of public moneys by way of remuneration for services. For example, it applies not only to all public servants proper but to persons in the service of Education Boards or of the Governing Bodies of secondary schools or of University Councils. It also applies to Ministers of the Crown and to members of both Houses of Parliament, who have suffered a 10 per cent. reduction of salaries and honoraria. The exceptions to the generality of the application of the Act are due mainly to constitutional considerations, and for this reason the salaries of the Judiciary have not been affected. With respect to officers of the public service proper, a distinction is made between officers in receipt of salaries up to £800 per annum and officers receiving salaries in excess of that rate. The officers of the first class participated in the "cost of living" increase of salary granted in 1920, the increase, save in exceptional cases, being not less than £50 per annum. In the case of these officers the present reduction amounts to £10 per annum (where the salary does not exceed £190 per annum), £15 per annum from £190 to £320, £20 per annum from £320 to £500, and £25 per annum from £500 to £800. This reduction has been made as from January 1, 1922. Provision is made for a further reduction at a rate to be fixed as from a date not earlier than July 1, 1922, and for a third reduction as from a date not earlier than January 1, 1923. Whether or not the second and third reductions will be made is in the discretion of the Minister of Finance, after inquiry into the reduction (if any) of the cost of living and having regard to the financial necessities. With respect to officers receiving over £800 per annum, provision is made for one reduction only (as from January 1, 1922), the rate varying from 7 per cent. in the case of officers receiving not more than £900 per annum to 10 per cent. in the case of officers receiving over £1,250 per annum.

Shops and Offices.—The Shops and Offices Act, 1921 (No. 46), is a consolidation of the Shops and Offices Act, 1908, and its amendments. The basis of the new Act was a compilation by the Compiler of Statutes. The passage of the compilation offered an opportunity of making various amendments in the substance of the law, none of which, however, is of more than local interest.

Loan Companies.—The Loan Companies Act, 1921 (No. 47), is complementary to the legislation relative to the extension of mortgages, and relates particularly to building societies and mortgage companies whose legitimate business includes the receiving of moneys on deposit to be lent

out on fixed terms. It is thought that the effect of the extension of mortgages may, in some cases, force a building society or mortgage company into liquidation, since it is restrained from requiring repayment of principal moneys due from its mortgagors while at the same time it is liable to repay its depositors. The effect of the present Act is to postpone the calling up of the unpaid capital of shareholders until the expiration of the moratorium of mortgages.

Public Trust Office.—The Public Trust Office Amendment Act, 1921 (No. 48), is an extensive amendment of the Public Trust Office Act. Among other matters, it provides for the constitution of local districts and for the appointment of District Public Trustees who act in the local districts for the Public Trustee. The District Public Trustee replaces the officer formerly known as the "Local Deputy Public Trustee." The powers of the Public Trustee in the administration of estates are enlarged. The extension of the powers of the Public Trustee is in accordance with departmental recommendations based on the experience of the office. The question arises as to the propriety of conferring such special powers only on the Public Trustee. If proper to him there seems no reason why corresponding powers should not, so far as applicable, be conferred on private trustees.

Legitimation.—The Legitimation Amendment Act, 1921 (No. 49), makes provision for legitimation on the application of a mother where her husband and the father of her illegitimate child are deceased. Every such application is considered in private by a stipendiary magistrate, who has power to call for such evidence as he thinks fit, including evidence by affidavit or statutory declaration.

Companies.—The Companies Temporary Empowering Act, 1921 (No. 50), should be read in conjunction with the law relative to the extension of mortgages. The recital is in the following terms: "Whereas certain companies in New Zealand holding moneys upon contract of deposit have, by reason of the financial conditions consequent upon the late war and of the depreciation in market selling values of the principal products of the Dominion, found difficulties in meeting payments to their depositors on the due dates for repayment: And whereas in certain cases such depositors are willing to acquire preference shares in such companies in exchange for the amounts or part of the amounts owing to them as depositors, but the effect of such transposition of the liability of the company for interest into a dividend payable to a shareholder would be largely to increase the income-tax annually payable by such companies: And whereas it is desirable to make special and temporary provision enabling such arrangements to be made between depositors and companies without thereby increasing the liability of the companies in respect of income-tax." The Act makes provision accordingly. It is expressed to remain in operation for five years and no longer.

Firearms.—The Arms Amendment Act, 1921 (No. 51), amends the Arms Act, 1920, by way of permitting a greater range of official discretion in the administration of the Act (which has proved somewhat too absolute in its terms for administrative convenience). In particular, it extends the class of persons who may be allowed to retain possession of automatic pistols. It modifies the provisions requiring the issue of permits to obtain possession of firearms and explosives where such may be required for industrial purposes.

Harbours.—The Harbours Amendment Act, 1921 (No. 52), extends

the powers of Harbour Boards with respect to the provision and equipment of waiting-rooms, reading-rooms and dining-rooms for the employees of Harbour Boards in connexion with wharves. It also makes provision for the utilization of foreshore lands and other lands above low-water mark vested in the Crown, and enables the Governor-General to lease such lands at a nominal rent on condition that the lessee reclaims the land by embankments or otherwise. Such leases may be for terms not exceeding twenty-one years, with perpetual right of renewal.

Discharged Soldiers' Settlements.—The Discharged Soldiers' Settlement Amendment Act, 1921 (No. 53), makes necessary provision with respect to the disposal by the Crown of interests in land acquired by His Majesty in his capacity as mortgagee under the Discharged Soldiers' Settlement Act, 1915, and its several amendments. The amending Act provides, *inter alia*, that where His Majesty in his capacity as mortgagee acquires a mortgagor's interest in any mortgaged property, then, notwithstanding any Act or rule of law to the contrary, the interest so acquired shall not be merged in any other interest of His Majesty. The interest so acquired by the Crown may be again disposed of to a discharged soldier, or, with the approval of the Minister of Lands, made on the recommendation of the Land Board, may be disposed of to any other person.

Dentists.—The Dentists Amendment Act, 1921 (No. 54), prohibits persons, other than registered dentists, from engaging in the practice of dentistry.[1] The Act also makes provision for the examination and registration of persons who, in conformity with the former law, have been engaged in dental work for not less than four years.

Land Agents.—The Land Agents Act, 1921 (No. 56), repeals the Act of 1912, and re-enacts its provisions with substantial alteration. The Act provides generally for the registration and licensing, after application heard by a stipendiary magistrate, of all persons carrying on business as land agents. For the purposes of the Act every person is deemed to be a land agent whose business is to act as an agent in respect of the sale or other disposal of land or of interests in land, or the purchase or other acquisition of land or of interests in land, or the letting of houses. Every applicant for a land agent's licence is required to give security (in the form of a fidelity bond to His Majesty in the sum of £500). The amount of the bond is recoverable as liquidated damages, to be applied firstly in compensation for losses sustained by reason of defaults or omissions of the land agent, and secondly in refunding to the surety or sureties the residue, if any. Before a licence is issued the application is required to be advertised, and all objections lodged must be considered by the magistrate at the hearing. The licence remains in force until March 31, following the date of issue, and may then be renewed for a further period of twelve months. Moneys received by a land agent in the course of his business are required to be applied, firstly, in payment of expenses, commission and other charges, and secondly in payment of the balance to the persons lawfully entitled thereto. Pending the payment of such balance to the persons entitled, it must be paid by the land agent into a Trust Account which is required to be audited annually in accordance with regulations to be made under the Act. Every land agent is required to furnish to his principal an account of all moneys received

[1] The principal Act, 1908, makes it an offence for any person, not being a registered dentist, to *describe himself* as a dentist.

by him in respect of the sale, lease or other disposal of land or in respect of any other transaction in his capacity as a land agent. It is an indictable offence punishable by imprisonment for five years or a penalty of £200 for a land agent to convert fraudulently to his own use any moneys received by him in his capacity as a land agent, or to render to his principal an account purporting to be an account of moneys received by him, knowing that such account is false in any material particular. The fees to be paid on the issue of a licence are to be from time to time prescribed by the Governor-General in Council.

Animals and Game Protection.—The Animals' Protection and Game Act, 1921 (No. 57), is a consolidating and amending measure for the protection of animals, the regulation of game-shooting seasons, and the constitution and powers of "acclimatization societies" (that is, voluntary associations for the purpose of protecting indigenous birds and animals and for controlling the issue of licences for the taking of game, including trout and other fresh-water fish). Practically all indigenous birds and animals are included within the list of "absolutely protected" animals. Power is given to the Governor-General by warrant to vary the schedules of protected and "partially protected" birds and animals, and to declare certain birds and animals to be protected in certain specified localities only.

Government Railways.—The Government Railways Amendment Act, 1921 (No. 58), makes provision for amending the classification of the 2nd Division of the Railway Department (that is, the Staff of the Department other than clerical and administrative officers). Provision is also made for the appointment by the Minister of Railways of a Board of Inquiry to inquire and report from time to time on matters connected with the administration of Government Railways.

Housing.—The Housing Amendment Act, 1921 (No. 60), further increases the maximum prices at which dwellings may be disposed of under the Housing Act, 1919. The original limits were £775 for a wooden building and £850 for a brick or concrete building. These limits were extended in 1920 to £900 and £1,000 respectively, and are now fixed at £1,150 and £1,250. Owing to the price of materials and the cost of labour, it has been found impossible to construct buildings for disposal at the lower rates. The increase of price now authorized has reference particularly to buildings already erected and not disposed of, or now in course of erection. The high prices have practically resulted in the cessation of the activities of the Department, the buildings having proved to be beyond the means of that class of the community for whose benefit they were primarily intended. By s. 9 of the amending Act the special concessions conferred by previous legislation on "discharged soldier" tenants have been taken away, and no distinction is now made between civilians and soldiers with respect to the recovery of possession of tenements to which Part I of the War Legislation Amendment Act, 1916, applies. The grounds on which possession may be given are as follows:

(1) That the tenant has failed to pay rent.

(2) That he has failed to take reasonable care of the premises.

(3) That he has been guilty of conduct which is a nuisance or annoyance to neighbours.

(4) That the premises are required by the landlord for his own occupation *as a dwelling-house.*

(5) That the premises have been sold and are required by the purchaser for his own occupation *as a dwelling-house.*

(6) That the tenant, by sub-letting the dwelling house, or any part thereof, is making an unreasonable profit.

A landlord who has obtained possession of a dwelling-house on the ground that he requires it for his own occupation is prohibited from again letting it before the expiry of at least six months, unless in the meantime he has obtained an authorizing order from a stipendiary magistrate. The maximum penalty for failure to comply with this condition is a fine of £100.

Land Laws.—The Land Laws Amendment Act, 1921 (No. 61), improves the conditions on which pastoral lands of the Crown may be disposed of either by way of lease or sale. Subject to certain conditions and exceptions, existing lessees of pastoral lands are given the right to acquire the fee-simple.

Industrial Arbitration.—The Industrial Conciliation and Arbitration Amendment Act, 1921 (No. 63), provides, *inter alia*, for the amendment by the Court of Arbitration of awards and industrial agreements under the principal Act, in so far as they determine the rates of remuneration of workers. The provision is in substitution for s. 18 of the War Legislation Act, 1918. Under that section the Court was empowered to amend individual awards or agreements after hearing representations both of employers and of workers. It was considered impracticable to make any general alterations in the rates of wages pursuant to this power, as it would involve the hearing separately of a large number of applications, with the result that the operation of all the amending orders would have had to be postponed until a date after the hearing had been completed, or that the several amending orders would come into operation on different dates as the several applications were disposed of, or that certain amending orders would have to be made retrospective in their operation. The present authority permits the Court to consider generally the question of wages as affecting industries and the economic welfare and to make an order applicable to all awards or industrial agreements then in force, save so far as may be specially provided in the amending order.

Divorce.—The Divorce and Matrimonial Causes Amendment Act, 1921 (No. 65), restricts the operation of s. 4 of the amending Act of 1920, which empowered the Supreme Court in its discretion to make an order for the dissolution of a marriage after three years' separation of the parties without necessarily having regard to the facts which led to the separation. The amendment provides that if, on the hearing of a petition, the respondent opposes the making of a decree of dissolution, and it is proved to the satisfaction of the Court that the separation was due to the wrongful Act or conduct of the petitioner, the Court shall refuse to make the decree.

Finance.—The Finance Act, 1921 (No. 72), contains miscellaneous provisions relating to the public revenues and other matters. The main provisions are the following:

S. 10 provides for an exemption from gift duty in cases of the voluntary discharge, in whole or in part, of mortgage debts, if the Commissioner of Stamp Duties is satisfied that the parties are not related by ties of blood or marriage and that the discharge of the debt is *bona fide* for the purpose of enabling the mortgagor to continue in occupation of the mortgaged property. The reason for the provision is to be found in the fall in the

prices of primary products and the consequent reduction in the market value of agricultural and pastoral land.

S. 18 is in amendment of s. 13 of the Customs Amendment Act passed earlier in the session (relating to additional rates of Customs duty chargeable on goods imported from countries having a depreciated currency).

Part II relates generally to loans to be raised by the Minister of Finance for certain specified public works and purposes.

Part III is in amendment of the several Acts establishing Superannuation Funds for public servants and teachers.

S. 28 extends the benefits of the Public Service Superannuation Fund to certain classes of officers who, in the operation of a policy for the reduction of public expenditure, have been compulsorily retired from the public service through no fault of their own within three years of the time that they would have been entitled to retire on superannuation.

Part IV contains miscellaneous financial provisions relating to the affairs of local authorities.

Meat Export.—The Meat Export Control Act, 1921 (No. 73), is an experimental measure containing enabling provisions for the assumption of control by a representative Board of the whole of the meat export trade of New Zealand. The Act recites that the economic welfare of New Zealand has lately been adversely affected by reason of a reduction in the returns receivable by persons engaged in the business of the production of meat for export, such reduction being due in part to falling prices and in part to the charges payable in respect of freight and other services. The Act proceeds to establish a Board consisting of two Government representatives and five persons to be appointed by the Governor-General as representatives of persons engaged in the production of meat for export. One additional member may, in the discretion of the Government, be appointed to represent other interests. The Board may assume either absolute or partial control of meat intended for export from New Zealand, the degree of control being at the discretion of the Board. All meat over which the Board has assumed absolute control is required to be graded and shipped as the Board directs and may be sold only by direction of the Board at such times and in such manner and on such terms as the Board in its discretion determines. On all meat exported from New Zealand (whether controlled by the Board or not) a levy is to be made to be paid into the Consolidated Fund and applied in defraying the expenses of the Board. Without limiting the powers of the Board express authority is conferred on it with respect to :

(*a*) The grading, handling, pooling and storage of meat.

(*b*) The shipment of meat.

(*c*) Its sale and disposal on such terms as the Board thinks advisable.

(*d*) Its insurance against loss.

(*e*) Generally in respect of all matters necessary for the due discharge of the Board's functions in the handling, distributing and disposal of meat.

The accounts of the Board are subject to audit by the Government Audit Office in the same manner as if they were public moneys. The Minister of Finance is empowered to guarantee the repayment of all advances made to the Board or made to any person at the request of the Board. In the event of default being made the Minister of Finance is authorized to pay the necessary moneys out of the Consolidated Fund without further appropriation. As between the Board and the owners

of meat the Board is deemed to be the agent of the owners and the mutual rights, obligations and liabilities of the Board and the several owners are determinable accordingly, save that the power of the Board to exercise (without the authority of the owner of any meat) any power expressly or by implication conferred on the Board by the Act is unlimited.

9. PAPUA.

10. FIJI.

11. BRITISH SOLOMON ISLANDS PROTECTORATE.

12. GILBERT AND ELLICE ISLANDS COLONY.

[These Summaries of Legislation have not yet been received.]

IV. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* E. L. Matthews, Esq., K.C., C.M.G.]

On March 11, 1921, the first session of a new Parliament opened. This Parliament had been recently elected (that is to say within three weeks of that day) after, and largely in consequence of, an amalgamation of the party which had supported the Government in the preceding Parliament with the party which was in nominal opposition to the Government. A new Government was formed within a day or two of the opening of the new Parliament, and its formation naturally reflected that amalgamation of parties. In these circumstances it was hardly to be expected that the new Government would be prepared with a long legislative programme. In fact, in the opening speech of His Royal Highness the Governor-General it was intimated that Ministers would confine themselves to such legislation as was necessary to deal with the financial and economic situation of the country. That situation had altered considerably for the worse since the close of the previous session in August 1920. Such alteration merely synchronized with and reflected the economic and financial situation at that date of European and other countries. Evidence of Government measures to deal with an altered economic and financial situation will hardly be looked for in a statute book, or, if it is there, it is not too apparent. Still, it is significant that the first two Acts passed appropriated additional moneys for ordinary services and railways and harbours services respectively to meet deficits of £2,221,000 and £3,925,000 incurred over and above the sum voted by the Appropriation Acts of 1921.

The legislative output, however, for the session was not lengthy, though 40 Acts found their way on to the Statute Book. Of the 40, however, 11 were either Appropriation Acts or Acts otherwise dealing with

public moneys, while 5 of the remaining 29 were private Acts dealing with local matters.

Finance.—The first Government measure of importance was Act No. 5 of 1921, to extend the period for which the Financial Relations Act, 1913 (the operation of which was limited to four years), as extended in 1917 and 1920, should continue in force. These Acts deal with (*a*) the subsidies granted from central Government sources to the provincial administrations, (*b*) the specific legislative powers which provincial councils are to possess in addition to those conferred on them by s. 85 of the Act of Union.

The operation of these Acts was continued for another financial year, viz. till March 31, 1922, but with these modifications: (1) The ordinary subsidies which a provincial administration shall be granted are limited to the amounts payable to it for the preceding financial year *plus* an amount not exceeding 5 per cent. of such part of the last-mentioned subsidy as was granted in respect of expenditure on education. (2) A provincial council is prohibited from passing legislation which imposes direct taxation in respect of the product of, or the income or profits derived from, any mining operations or in respect of rights in or to mines and minerals. In 1919, the Transvaal Provincial Council had passed an Ordinance (held by the Appellate Division of the Supreme Court to be *intra vires*) imposing a profits tax on the gold-mines. The new Act allowed the provincial administration to continue to collect so much of the amounts due and unpaid on March 31, 1922, under that Ordinance, but from that day no new levy could be made under it nor could its operation be continued or extended. (3) The Act further prohibited a provincial council from imposing direct taxation on natives unless the imposing ordinance imposed taxation at a like rate and with like incidence on persons other than natives, or from imposing direct taxation on persons or habitations unless provision is contained in the ordinance that in so far as such taxation is payable by a native an abatement shall be granted him equal to the amount payable by him to the Union Government by way of similar taxation.

It may be mentioned that s. 85 of the Act of Union had empowered provincial councils to enact ordinances imposing direct taxation within the province.

The new Act therefore modifies considerably the taxing powers of provincial councils both as regards mining profits and natives. Reasons of policy demand that such sources of taxation should be reserved to the central Government.

Inasmuch as the Act abridged the powers conferred on provincial councils by s. 85 of the South Africa Act otherwise than in accordance with that section, it became necessary under s. 64 of that Act for the Bill to be reserved by His Royal Highness the Governor-General for the signification of the King's pleasure. His Majesty's special assent was notified on May 3 by Order in Council.

The other important Government measures were also of a financial nature. They were the Income-tax (Consolidation) Further Amendment Act (No. 29), the Customs and Excise Duties Amendment Act (No. 35), the Stamp Duties and Fees Act Further Amendment Act (No. 31).

Income-tax.—The Income-tax (Consolidation) Further Amendment Act fixes the rate of normal income-tax for the current year at the same rate as in the preceding year, but makes certain alterations as to the

amounts of, and the manner of calculating, abatements. Under the Act the maximum abatement in respect of insurance premiums is increased to £50, and, in respect of each child under eighteen of the tax-payer, the abatement has been increased to £50, and, in respect of every other dependent, the abatement has been increased to £30. It is further provided that where a married tax-payer or one who is widowed has, during the year of assessment, maintained children under eighteen, these abatements shall not as formerly decrease pound for pound in respect of the excess of taxable income over £600, but shall decrease only at the rate of £1 for every £10 of such excess.

Further, the primary abatement of £300, which is allowed on all incomes, is to be massed with the secondary abatements above described, and therefore the primary abatement becomes liable to deduction in the same way as secondary abatements.

In connexion with normal income-tax an important alteration is made in a section of the principal Act which relates to the reinvestment of income and makes special provision for the taxation of income derived from farming operations. When the first Income-tax Act was introduced in 1914 a proviso was inserted in that section to the effect that the revenue authorities should not take into account, in estimating the taxable income from farming operations, agricultural produce or live stock not disposed of at the beginning and end of the year of assessment. At the same time the farmer was given the option of being treated as any other class of tax-payer. The provision was re-enacted in the Consolidation Act of 1917 and has remained on the Statute Book ever since. It has, however, always been regarded as an anomalous provision, and its abolition was recommended by a Commission of Inquiry in 1919. The anomaly was removed by the new Act, and a farmer will now be required to furnish for the current year two returns showing his live stock holdings as at the first and last days of the year of assessment, and the difference between the two amounts thus ascertained will be taken into account in calculating the taxable income for the year. In any subsequent year one return only will be required, setting forth the live stock holding as at the end of that year. Allowances may, however, be made in respect of risks of mortality attaching to the live stock.

The new Act provides for a substantial increase in the rate of super-tax and varies the incidence of the dividend tax. Under the previous law an individual—but not a company—became liable to pay super-tax when his taxable income exceeded £2,500 a year, but the following abatements were allowed: If the income did not exceed £7,500 an abatement was allowed of £2,500, which abatement diminished by ten shillings for every pound by which the income exceeded £2,500. Under the new Act it is provided that the abatement will diminish by £1 for every £1 of the excess, so that it will disappear entirely when the income is £5,000. Further, the grading of the rate of super-tax is made steeper. It will progress by 1/500 of a penny for every £1 of taxable income instead of 1/2,000 of a penny per £1 as hitherto. Finally the maximum rate of super-tax has been increased from 3*s.* in the pound to 5*s.* in the pound. The effect of these changes is that the maximum rate of 5*s.* becomes payable when the taxable income is £26,000, instead of a maximum rate of 3*s.* when the taxable income is £40,000.

Though companies have not been liable to pay super-tax, the new Act considerably increases the amount they will have to pay by way of taxa-

tion. Under the previous law a company paid income-tax at a flat rate of 1*s.* in the pound on its taxable income, and in addition paid a dividend tax of 1*s.* 6*d.* in the pound if it was a gold or diamond mining company, or 1*s.* in the pound if it was a company not falling within that description. Under the new Act the flat rate payable by public companies has been increased by 50 per cent. As regards private companies, it has been necessary to make special provision. Such companies were, under the previous law, in an advantageous position inasmuch as they paid normal tax at the flat rate above-mentioned and escaped super-tax. Further, they were able to evade payment of dividend tax by distributing only a small proportion of the profits and putting the remainder back into the business. Such companies were to all intents and purposes individual traders inasmuch as two persons may, under the Companies Acts, form themselves into a private company. The new Act provides that private companies shall pay normal tax at the progressive rate applicable to individuals, and they shall not be liable to dividend tax. But in order that they shall not escape taxation by capitalizing their profits, the new Act provides that if the dividends distributed are not, in the opinion of the Commissioner for Inland Revenue, a fair and reasonable distribution of profits, he may for the purpose of determining the income liable to super-tax of any shareholder in the company, add to the dividend actually paid such proportionate share of the amount, as should, in his opinion, have been included.

Customs and Excise.—The Customs and Excise Duties Amendment Act (No. 35) was, as its name implies, passed for the purpose of raising additional revenue to meet growing expenditure. It is divided into four chapters.

The effect of c. 1 is (*a*) to increase the tariff of customs duties in certain respects by imposing an alternative rate of duty of 20 per cent. *ad valorem* on cinema films ; (*b*) to increase the customs duties on spirits and spirituous preparations by 7*s.* 6*d.* per proof gallon, making the rate on potable spirits 37*s.* 6*d.* per proof gallon ; (*c*) to increase the customs duties on manufactured tobacco, cigars and cigarettes by an amount corresponding to the excise duties imposed in c. 3 ; (*d*) to reduce the customs duty of 20 per cent. to 15 per cent. on piece goods made of mohair or containing a percentage thereof.

The effect of c. 2 is to increase the excise duty on beer made, and spirits distilled, in the Union to an extent indicated in a schedule.

The effect of c. 3 is to impose for the first time an excise duty of 1*s.* per pound weight on pipe tobacco or tobacco ready for use for the making, or in the form, of cigarettes, 2*s.* per pound weight on tobacco in the form of cigars or cigarettes, and 6*d.* per pound weight on tobacco in the form of roll tobacco. These duties are imposed on tobaccos manufactured in the Union for sale. A corresponding customs duty is imposed on Rhodesian tobacco imported into the Union under the customs agreement with Southern Rhodesia and on tobacco grown in the Portuguese province of Mozambique when it is imported into the Transvaal under the Transvaal-Mozambique convention. When any tobacco grown in Mozambique is imported into other provinces of the Union it will be subject to the full customs duty. The chapter contains provisions for facilitating the collection, and for preventing evasion of payment, of the excise duties thus imposed. This is effected by a system of licensing manufacturers and by requiring licensees to enter into bonds, enforceable

if they fail to pay the proper duties or to comply with the other requirements of the Act; further, by requiring licensees to keep books in a certain form and transmit abstracts thereof to the excise authorities. Dealers in leaf tobacco must also be licensed, and render returns and keep books showing the quantities of such tobacco disposed of by them.

C. 4 of the Act contains certain miscellaneous provisions modifying some provisions of the law governing customs management. Among these is a clause enabling the Government to prohibit, regulate or restrict the export of opium in any form or any derivative of opium. Another clause provides that the mandated territory of South-West Africa is to be regarded for customs and excise purposes as part of the Union. All customs and excise duties which are collected in that territory are to be paid into Union revenue, and there will be paid from it to the revenue of the territory a sum which approximates to the duties which would otherwise be paid to the territory. The port of Walvis Bay which is in the Cape Province, but is administered from the territory being the main port thereof, is to be regarded for customs purposes as part of the territory.

Stamp Duty.—The Stamp Duties and Fees Act Further Amendment Act (No. 31) was also enacted mainly to increase taxation to meet growing expenditure. Under it increases of stamp duty are imposed in respect of brokers' notes and marketable securities, while stamp duties are for the first time imposed on duplicate originals of documents which, under the principal Act (No. 30 of 1911) were chargeable with duty; also on interim policies of insurance, that is to say on documents issued within the Union and purporting to cover any risk under a contract of insurance pending the receipt form outside the Union of the final policy covering that risk.

The other Government legislation which calls for special notice is:

Juvenile Advisory Boards.—The Juveniles Act (No. 33) puts on a statutory basis the juvenile advisory boards established a few years ago by the Government in large urban areas to investigate conditions affecting the employment, training and welfare of children when they are leaving or have recently left elementary schools. These boards under the Act will be representative of employers' and trade union organizations in equal numbers and, as far as possible, include persons having special knowledge or experience in educational matters or social conditions. The main duties of a board are to register information, to conduct bureaux for finding suitable employment for juveniles, and generally concern itself with the supervision and general welfare when in employment. That this end may be attained, every principal of a school must give information to the board appointed for the area where the school is situate as to the pupils who are leaving school and have attained the age when compulsory attendance is no longer necessary, or have passed the examinations entitling them to leave school before attaining that age or are otherwise qualified by education to leave school. Employers also must supply the board of the area where they employ juveniles with information as to the occupation at which such juveniles are employed and as to their educational attainments. An employer must also further give information to the board when any juvenile ceases to be employed by him.

Child Protection.—The Children's Protection Amendment Act (No. 26) contains numerous amendments of the principal Act (No. 25 of 1913). Its main provision of general interest is one for the certification of places to be known as "auxiliary homes" to which a child above the age of fifteen may be committed by order of a judge or magistrate, if

such child is charged with certain offences, or has been found wandering or is destitute, or begging or is uncontrollable by parents. The committal will be to such an auxiliary home instead of to a Government industrial school ; and the child will remain in such home on probationary conditions and subject to the supervision of a Child Welfare Society. The certification of the home will be by the Minister of Education. Another amendment of interest is a provision whereby the mother of such a child may, if the father, for reasons of ill-health or circumstances beyond his control is unable to support the child properly, receive assistance from public moneys towards such support after the circumstances have been investigated by a judge or magistrate and the facts found reported to the Minister.

Another amendment prohibits the publication, without the permission of the local magistrate, of advertisements offering to adopt or take charge of an infant.

Land Bank.—The Land Bank Act Further Amendment Act (No. 36) enables the Land and Agricultural Bank (a Government institution but with a special corporate existence established under Act 18 of 1912) to borrow money for the purposes of its business ; to provide for the repayment by the bank of moneys advanced to it from the consolidated revenue fund ; and to extend its operations to the mandated territory of South-West Africa. The borrowing is to be by discounting with other banks bills of co-operative agricultural societies ; by overdrafts with commercial banks and by issuing "land bank bills." The last-named may be issued in the Union or elsewhere in sums of £100 or any multiple thereof with a currency of twelve months, upon terms and conditions prescribed by the board of directors of the bank. Such bills are to be capable of renewal or extension from time to time for a period not exceeding twelve months at any one time.

The Act further provides that there shall be no limit to the bank's reserve fund, and that the bank's net profits shall continue to be credited to that fund as provided by the principal Act, but that as soon as the reserve fund and the capital of the bank aggregate such a sum as, in the opinion of the board of directors, is adequate to enable the bank fully to carry out its objects, there shall be paid to the Treasury out of the profits of the bank such amount as the board directs. The reserve fund, however, is not to be reduced below £350,000. All such payments made to the Treasury are to be applied to the repayment of such portion of the capital funds of the bank as the board directs. The bank ceases to be liable for interest on amounts so paid.

As regards the extension of the bank's operations to the mandated territory of South-West Africa, provision had already been made by law in that territory for the liquidation of the Landwirthschaft's Bank of the late German Administration and for the application to that territory, with certain modifications, of the Land Bank laws of the Union. The new Act gives the corresponding sanction to the bank carrying out the laws thus applied. Up till then the Land Bank's operations by its governing statute had been limited to the area included in the Union.

Treaties of Peace.—The Treaties of Peace Act (No. 32) enables the Government to make such appointments, establish such offices and issue such proclamations and regulations and do such things as appear necessary, so far as concerns the Union, to give effect to the Treaties of Peace with Austria, Bulgaria, Hungary and Turkey. Similar provision

had been made in regard to the Treaty of Peace with Germany at Versailles, by Act 49 of 1919. This last-mentioned Act had for some reason been limited in operation to one year, and had been renewed on expiry in 1920. The Act of 1921 puts it into permanent operation.

Rent.—The Rents Act Amendment Act (No. 30) extends the operation until June 30, 1922, of the Rents Act, 1920; but the extension is subject to certain modifications. The chief modification is that a rent board may now only decide as to the reasonableness of the rent charged by a landlord for a dwelling, if a complaint has been made by the tenant. The section of the principal Act which prescribed that landlords should make periodical returns on this and other matters has been repealed. The new Act further provides that an order for ejectment can be made by the Courts where a lease has expired or is subject to notice of termination, if the tenant has been guilty of conduct which is a nuisance to adjoining occupiers. It is no longer necessary to obtain a statement from the rent board to that effect.

The Speculation in Food Stuffs Act, 1920, was repealed by Act No. 28 of 1921, while the Profiteering Act, 1920, was, in terms thereof, extended by resolution of both Houses of Parliament until June 30, 1922.

This completes the review of Government measures of any public interest. Among measures introduced by private members as *public* Bills and finding their way on to the Statute Book are:

Marriage.—(1) The Marriage Law Amendment Act (No. 17 of 1921), which legalizes throughout the Union the marriage of a widow with her deceased husband's brother. Until the passing of this Act such a marriage was only lawful in the Orange Free State. By Act 11 of 1920 marriage of a widower with his deceased wife's sister was made lawful in Natal and the Transvaal. Until that Act such a marriage had only been lawful when contracted in the Cape and Orange Free State Provinces.

Importation of Wines and Spirits.—(2) The Restriction on the Importation of Wines and Spirits Act (No. 14), which prohibited the importation into the Union of wine or spirits for consumption as a beverage from a territory which has been declared by proclamation to be a territory where the sale or use of wine or spirits for consumption as a beverage is totally prohibited. Where, however, in a territory the sale or use of wine or spirits as a beverage has been restricted on the grounds that they have not been warehoused, stored or matured for a period specified in the laws of that territory, wine or spirits may not be imported therefrom into the Union except upon production of a certificate to the effect that the wine or spirits has been so warehoused, stored or matured.

Advocates.—(3) The Admission of Advocates Act (No. 19), which extends and restricts the qualifications for the admission of advocates to practise before any division of the Supreme Court. The extension is that a British subject domiciled in the Union may, if he has obtained by examination while he was a British subject, certain certificates or diplomas in Holland, or the degrees of D.C.L., B.C.L., or B.A., with honours at the University of Oxford, or the degrees of LL.D., or LL.B., in any other University in Great Britain or Ireland, may be admitted as an advocate if he has passed an examination in Roman-Dutch Law and the Statute Law of the Union, conducted under such rules of Court as the judges may make.

The restriction is that a person seeking admission as an advocate in

future by virtue only of qualifications acquired outside the Union must now pass the examinations to which reference has been made.

University of Witwatersrand.—The most important of the private Acts of Parliament is the University of Witwatersrand (Johannesburg) Act (No. 15), which incorporates, as a teaching University, the University College, Johannesburg, in terms almost identical with those prescribed by Act 14 of 1916 for the University of Cape Town. Until this Act this University College had been a constituent college of the Federal University of South Africa.

The session lasted continuously, with a short recess at Easter, until July 14. It will be seen from this review that though much that is useful was added to the Statute Book, nothing in the nature of a continuation of the consolidating legislation of previous sessions was accomplished. The reasons for this are indicated in the earlier paragraphs of this review. It is hoped that parliamentary and ministerial exigencies will permit the continuation of such consolidating work in the near future. Measures dealing with the co-ordination of the laws relating to companies, weights and measures, co-operative societies, building societies, have been ready for some time, and there is undoubtedly a considerable public demand that they shall become law.

2. CAPE OF GOOD HOPE.

[It is hoped to publish the Summary of Legislation in the next *Review*.]

3. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ.]

Ordinances passed—12, of which 5 are Appropriation.

Horse-racing and Betting.—Horse-racing and Betting Restriction (Amendment), Ordinance No. 4, amends the principal law (Act 37 of 1909 and amending Ordinances) (i) by increasing the tax on totalizators, and (ii) by giving the Administrator power to permit clubs to hold extra race meetings on any day other than Christmas Day, Good Friday or Ascension Day, provided the number of meetings held by any club does not exceed 15 per annum.

Bookmakers.—Licensing of Bookmakers and Taxation (Amendment), Ordinance No. 5, and the Betting Taxation (Amendment), Ordinance No. 6, respectively amend the Ordinances 16 of 1917 and 10 of 1918 by increasing the rate of taxation there imposed.

Poll-tax.—Poll-tax Ordinance No. 7 provides in c. 1 a poll-tax on every non-native adult ordinarily resident in the Province (*a*) if married at the date when the tax is due, and not income-tax payers, a sum of £2 10*s.*; (*b*) if income-tax payers, an additional sum, being 10 per cent. of the Union normal and super-tax paid or payable for the year ended June 30 preceding the year in respect of which the tax under this Ordinance is payable; (*c*) if unmarried, not income-tax payers, and under 25, a sum of £2 10*s.*; (*d*) if unmarried, not income-tax payers, but twenty-five years or upwards, then £3 15*s.*; (*e*) if unmarried and income-tax payers, then the amount mentioned in (*b*) plus 50 per cent. Declarations are required from every person liable to the tax, and upon employers is imposed the duty of making returns of their employees and their salaries, and where

an employee fails to pay his tax, it becomes a debt due by the employer who is empowered to deduct the amount paid by him from any amount due or to become due to the employee. Exempted persons include females who are not income-tax payers, certified indigents, mentally deficient persons, lepers and students attending recognized institutions during the three months preceding the date the tax becomes due, and not in receipt of an income.

C. 2 purported to impose a similar tax upon natives, but by a decision of the Transvaal Provincial Division in April of 1922, upheld by the Appellate Division, November 13, 1922 (Letanka *v.* Transvaal Province) this chapter was declared *ultra vires.*

Agricultural Land.—Rating of Agricultural Land (Local Authorities). Ordinance 9 amends s. 8 of the principal Ordinance 6 of 1912 as amended by Ordinance 1 of 1916, s. 9, by Ordinance 4 of 1917, s. 11, and by Ordinance 12 of 1918, s. 8, and provides that land not less than one morgen (two and one-ninth acres) in extent *bona fide* and exclusively used as agricultural land shall be rated only upon half its agricultural value.

Fish Preservation.—Ordinance 10 repeals Ordinance 5 of 1906. It empowers the Executive by Proclamation to prescribe close seasons and to make regulations prohibiting fishing by drag, cast, stake or other net without a licence, determining the size of fish to be caught, and the returning to water of undersized fish, the construction or size of any drag, cast, stake or other net ; prohibiting the destruction of fish by explosives or poisons ; prohibiting trout fishing except by rod and line, or by bait or lure other than artificial fly.

Local Government Amendment.—Ordinance 12 amends the principal Ordinance (9 of 1912) in a number of respects, the more important being (i) amendment of s. 75, by (*a*) empowering local authorities to supply electricity to any corporation or person carrying on business or residing *beyond its borders* with the consent of the local authority, if any, of the area to be supplied ; (*b*) to supply electricity to adjoining local authorities ; (ii) amending s. 157 (5) by empowering local authorities to establish, maintain, etc., motor bus services, etc., other than tramways in any area beyond its borders with the consent of the local authority, if any, of such area, or, if not, with the consent of the Administrator, (iii) s. 2 (*b*) of Local Government Amendment Ordinance 10 of 1920, which empowers town councils to regulate charges for municipal services or licences *by resolution* is repealed.

BRITISH EMPIRE.

V. BRITISH INDIA.

[*Contributed by* V. Dawson, Esq.]

The year 1921 saw the inauguration of the new legislatures—central and provincial—which were created, or rather reconstituted, by the Government of India Act, 1919 (9 & 10 Geo. V, c. 101), and the legislation of the year, of which a summary follows, was the first result of their work. A description of the new legislatures, and of the constitutional changes which accompanied their creation, appeared in the February issue of this Journal. It will suffice to observe here that the provincial Legislative Councils all contain a substantial majority of non-elected non-official members, but still each consists of a single Chamber: and that the Indian Legislature now consists of two Chambers—the Council of State and the Legislative Assembly—each of which contains a non-official elected majority.

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—19.

Tea Cess.—An Act of 1903 authorized the levy of a cess at a maximum rate of one-fourth of a pie (one-fortyeighth of a rupee) per pound on all Indian tea exported from India, and applied the proceeds for the use of a Committee (which the Act set up) for the purpose of meeting the cost of "such measures as the Committee may consider it advisable to take for promoting the sale and increasing the consumption in India and elsewhere of teas produced in India." The Committee is appointed on the nomination of Chambers of Commerce and of associations and bodies interested in the production of Indian tea. The Indian Tea Cess (Amendment) Act (1 of 1921) raises the maximum rate of cess to eight annas per hundred pounds, with the object of enabling the increase of propaganda in connexion with the consumption of tea.

Deputy President's Salary.—It was provided in the Government of India Act, 1919 (see introductory paragraph), that there should be a President and a Deputy President of the Legislative Assembly, the latter of whom should be elected by the Assembly from the outset, and the former after the expiry of four years. (During the first four years the President is appointed by the Governor-General.) It was also provided that the salary of the Deputy President (and of the President when elected) should be fixed by Act of the Indian Legislature. The Deputy

President's Salary Act (2 of 1921) fixes the Deputy President's salary at Rs. 1,000 a month, payable while the Assembly is in Session.[1]

Insolvency.—The Code of Civil Procedure 1908 provides for the automatic release of a judgment debtor who is under arrest or imprisonment in execution of the decree of a Court and who merely expresses his intention to apply to be declared insolvent. The Code of Civil Procedure (Amendment) Act (3 of 1921) substitutes a discretionary for an obligatory power to release in such circumstances, in order to bring this provision of the Code into line with the Insolvency Acts.

Import and Export.—In 1916 power was taken as a war measure to prohibit or restrict import or export of any class of goods. The duration of that Act is further extended by the Import and Export of Goods (Amendment) Act (4 of 1921) to March 31st, 1922.

Indigo Cess.—The Indigo Cess (Amendment) Act (5 of 1921) alters the system of calculating the rate of a cess imposed on exports of indigo in 1918, which is devoted to the promotion of research in the interests of the industry.

Finance.—The Indian Finance Act (6 of 1921) is of considerable interest as being the first of its kind. In form it is an Act to amend the Tariff Act, the Post Office Act, the Income Tax Act, the Super-tax Act, and the Freight (Railway and Inland Steam-vessel) Tax Act. With the grant to the new Legislature of greatly enhanced financial powers, analogous to those possessed by the House of Commons, the Government of India thought it appropriate to place before the Legislature annually a Bill which would provide for the whole of that portion of the Revenue for the year the raising of which is directly dependent on statutory enactment.

Previously, such taxes as that on Incomes and the Customs Tariff were collected continuously without the intervention of Legislature, unless such intervention were required for the purpose of altering the scale : and that operation could frequently be performed by the Executive Government without reference to the Legislature by notification under the Act which gave power to fix the rate of the tax in question. The Finance Act of 1921 sets a new precedent by requiring the specific authority of the Legislature for the revenue which it is proposed to provide for each financial year, whether that revenue is to be raised by continuing existing or by imposing new taxation, or by altering the scale of existing taxes. The actual provisions of the Act are of no permanent interest, except to the extent that they involve the assent of the Legislature to the imposition of new or increased taxation equivalent to about £116,000.

Calcutta University.—Until 1921 this University had been very closely associated, administratively and financially, with the Central Government of India, and the Governor-General was its Vice-Chancellor. The Calcutta University Act (7 of 1921) severs this connexion, giving the University a new and more organic connexion with the Government of

[1] Similar provisions exist in respect of the Legislative Councils of Governors' provinces, and each Council passed a Deputy President's Salary Act which will not further be referred to in the provincial summaries. The salaries fixed varied from province to province—Rs. 5,000 a year in Madras, Bengal, the United Provinces, and the Punjab, Rs. 3,000 in Bihar and Orissa and the Central Provinces, Rs. 2,500 in Assam, and Rs. 500 a month in Bombay, payable in respect of any period during which the Deputy President is engaged on work connected with business of the Council.

Bengal (the Province in which it is situated) and making the Governor of Bengal Vice-Chancellor. This step was taken partly as the result of recommendations of the Sadler Commission which was appointed in 1920 to report on the affairs of the University, and partly in pursuance of the policy of the Government of India Act of 1919, which demarcated the functions of provincial Governments and the Central Government respectively, and in so doing transferred education to the charge of responsible ministers in the provinces.

Hindu Law (Bequests and Transfers to Unborn Persons).—The Madras Legislative Council in 1914 passed an Act declaring the existence of power in Hindu testators to make bequests in favour of unborn persons. This power had been decided by the Judicial Committee of the Privy Council to be non-existent under the Hindu Law as administered in British India, a decision which was felt to be inconsistent with the *Mitakshara* system of law which prevails in the Presidency of Madras and in other areas. It was held, however, that the provisions of the Madras Act had no application to the Presidency Town of Madras, on the ground that the provincial Legislature had no power to alter in the Presidency Town the Law applicable to Hindus, and that such alteration could be effected only by legislation of the Central Legislature. The Hindu Transfers and Bequests (City of Madras) Act (8 of 1921) applies retrospectively, with effect from the date of the enactment of the Madras Act, the provisions of the latter Act to the Presidency Town of Madras.

Enemy Missions.—The Enemy Missions Act (9 of 1921) validates the action taken under the Enemy Trading Act in respect of certain German Missionary Bodies whose effects had been vested in the Custodians of Enemy Property with instructions to transfer them to Boards of Trustees. The Act provides for the incorporation of each Board of Trustees, validates the appointments of trustees made in the past, and provides a method of appointment for the future. It also validates the indentures by which the properties are transferred to Trustees.

Marine.—The Indian Marine (Amendment) Act (10 of 1921) confers on the Director of the Royal Indian Marine the power, which had previously been exercisable only by the Governor-General in Council, of convening Indian Marine Courts Martial for the trial of a gazetted officer of the Royal Indian Marine.

Works of Defence.—The Indian Works of Defence (Amendment) Act (11 of 1921) makes certain formal changes in the principal Act which have been necessitated by a recent change in the organization of the Army in India.

Negotiable Instruments.—An Act of 1920 had amended the principal Act so as to excuse delay in making presentment for payment, when the delay was caused by circumstances beyond the holder's control and not imputable to default or negligence. The Negotiable Instruments (Amendment) Act (12 of 1921) similarly excuses delay in presentment for acceptance. It also extends the time limit imposed by the principal Act within which Bills are to be accepted after presentment from 24 to 48 hours.

Carriers.—The Carriers (Amendment) Act (13 of 1921) gives power to make additions to the Schedule of articles for loss or damage to which carriers are not liable unless their value and description has been expressly declared, and also exempts carriers from liability for loss or damage to

scheduled articles in respect of which a declaration has not been made, if such loss or damage is due to negligence only.

Shellac and Lac Cess.—The Indian Lac Cess Act (14 of 1921) imposes a Customs Duty on lac exports with the object (as in the case of the Indigo Cess referred to above) of providing a fund to finance research work in connexion with the industry which is beyond the scope of the provincial Forest Department. The Fund is to be administered by the Lac Association. The Act is to remain in force till December 1926 (unless the Lac Association is sooner dissolved), but may be extended by notification with the consent of the Legislature.

Post Office (Customs Duty).—The Indian Post Office Act enables the Customs Authorities to detain and open parcels at the port of entry for the purpose of levying customs duties. Letter packets, however, could not be so detained and, if suspected to contain dutiable articles, had to be opened in the presence of the addressee at the office of destination, a system which had resulted in inconvenience and loss of revenue. The Indian Post Office (Amendment) Act (15 of 1921) gives power to enable the Post Office Authorities to detain at the port of arrival foreign letters suspected of containing dutiable articles and to hand them over to the Customs Authorities to be dealt with under the Sea Customs Act.

Penal Code.—The Indian Penal Code (Amendment) Act (16 of 1921) abolishes the punishment of forfeiture of property imposed as an automatic penalty on conviction of the offences of causing war against the State and of collecting arms for the purpose of causing such war, but provides for the imposition of a fine in such cases. It also provides for the infliction of fine as an additional punishment for the offence of conspiracy to wage war. In the Bill as introduced it was proposed to retain provision for forfeiture, but to make its infliction discretionary with the Court.

Cattle Trespass.—The Cattle-trespass (Amendment) Act (17 of 1921) enables Local Governments to vary the scale of fines imposable for the release of impounded cattle, the scale having previously been fixed for all India by the principal Act.

Maintenance.—The Maintenance Orders Enforcement Act (18 of 1921) carries out the policy recommended by the Imperial Conference of 1921 for reciprocal legislation in the constituent parts of the Empire to secure justice and protection for wives deserted by their husbands and children deserted by their legal guardians. The provisions of the Act follow very closely those of 10 & 11 Geo. V, c. 33.

Land Acquisition.—The Land Acquisition (Amendment) Act (19 of 1921) provides *firstly*, that the award of a Court under the principal Act is a decree within the meaning of s. 2 (2) of the Civil Procedure Code, and the statement of the grounds of any award a judgment within the meaning of s. 2 (9), and that they are consequently appealable to the High Court, irrespective of the amount of the claim of compensation; this reverses a decision of the Bombay High Court, founded on a provision in the Bombay Civil Courts Act, 1869, which this Act has the effect of amending. *Secondly*, the Act provides that appeals to the High Court under the principal Act as amended lie only from the award, and that a further appeal from any appellate decision of the Court lies to the Judicial Committee of the Privy Council. This latter provision was made in consequence of a decision of the Judicial Committee of the Privy Council in 1911 (L.R. 39 Ind. Appeals, 1917) that a proper construction of the Indian Land Acquisition Act precluded the right of appeal to His Majesty

in Council from an appellate decision of a High Court, though previous to that decision appeals in Land Acquisition cases had been admitted on the same conditions as in other cases. It had been proposed in the Bill as introduced to confine the right of appeal to the Judicial Committee to cases in which the amount in dispute in the appeal is Rs. 10,000 or upwards, and in which the appeal involves "some substantial question of law." These restrictions are, however, omitted from the Act as passed.

2. MADRAS.

Acts passed—5.

Cattle Disease.—The Madras Cattle Disease Amendment Act (3 of 1921) removes the obligation to impound diseased cattle which had been imposed by the principal Act, and which, by involving movement, had been found to tend to the dissemination of disease. Impounding is now discretionary with certain specified public authorities.

Municipalities.—Two Acts (Nos. 2 and 4) make minor amendments in the law relating to up-country Municipalities (the Madras District Municipalities Act, 1920), and one in the Madras City Municipal Act, 1919.

3. BOMBAY.

Acts passed—7.

Short Titles.—The Bombay Short Titles Act (2 of 1921) provides short titles for the purpose of citation of 66 Acts which had been enacted without them.

Weights and Measures.—The City of Bombay Municipal (Amendment) Act (4 of 1921) strengthens the powers of the Corporation of Bombay to secure uniformity in the use of Weights and Measures, and to prescribe penalties. The Act is based on the provisions of the United Kingdom Weights and Measures Act, 1878.

Unlawful Assemblies.—The City of Bombay Police (Amendment) Act (5 of 1921) empowers Magistrates as well as police officers to command unlawful assemblies to disperse. This power can be exercised under the Code of Criminal Procedure outside the Presidency Town by any Magistrate or Officer in charge of a police station. In the City of Bombay, where this provision of the Code of Criminal Procedure does not apply, its exercise was confined to police officers in charge of sections.

Prince of Wales Museum.—The Prince of Wales Museum (Amendment) Act (6 of 1921) makes provision for the raising of loans by the Trustees of the Museum for the purpose of extending the building and (by means of letting part of the buildings to be erected) of securing a permanent income for the maintenance of existing and new exhibits. The borrowing powers conferred are prescribed with some elaboration on the lines of the Bombay Port Trust Act, 1879, and the City of Bombay Improvement Act, 1898.

Municipal Affairs.—The City of Bombay Municipal (Amendment) Act (7 of 1921) makes various amendments in the law relating to the Bombay Corporation, of which the most important gives power to the Corporation to control the exhibition of sky-signs and advertisements on hoardings, and to secure the cleanliness of hair-dressing saloons. In the former matter the written permission of the Commissioner is required for the erection or retention of sky-signs and advertisements, and such permission cannot extend to a period exceeding two years without renewal.

4. BENGAL.

Acts passed—3.

These measures (other than the Deputy President's Salary Act—as to which see footnote, page 134) effected slight administrative changes of purely local interest.

5. UNITED PROVINCES.

Acts passed—4.

Education.—Two Acts of considerable local importance make provision for carrying out the recommendations of the Sadler Commission on the Calcutta University (see p. 135) for the improvement of the system of University Education in so far as those recommendations were applicable to conditions in the United Provinces. The Allahabad University Act (3 of 1921) entirely reconstitutes the Allahabad University, converting it from an examining body which exercised supervision over affiliated and scattered colleges into a unitary teaching and residential University concentrated at Allahabad, but still prescribing courses and holding examinations for its outlying "associated" colleges. The Act contains as Schedules the first Statutes of the University, which, like the general provision of the Act itself, follow as closely as possible the Lucknow University Act.

The Intermediate Education Act (2 of 1921) sets up in association with the Minister for Education a Board to take the place of the Allahabad University in supervising and regulating High School and Intermediate Education and prescribes its composition, powers and duties.

Landlord and Tenant.—The Oudh Rent (Amendment) Act (4 of 1921) was the immediate outcome of agrarian disturbances in Oudh in January 1921, but the revision of the principal Act in order to give greater security of tenure to tenants of the Oudh Talukdars had long been felt to be necessary and was postponed only on account of the War. The provisions of the Act cannot be described here, since they make detailed changes in the complex legal system which defines the rights of the Talukdars of Oudh and their tenants.

6. PUNJAB.

Act passed—1.

The Deputy President's (Punjab Legislative Council) Salary Act (see footnote, page 134) was the only enactment of this Legislative Council.

7. BIHAR AND ORISSA.

Acts passed—2.

The Jharia Water Supply (Amendment) Act, 1921, makes certain amendments of minor importance in the principal Act of 1914.

8. CENTRAL PROVINCES.

Acts passed—2.

The Financial Commissioner's Functions Act, 1921, repeals the provision in the Central Provinces Land Revenue Act, 1917, which

required the appointment of a Financial Commissioner, and provides that all functions discharged by that Official "under any law in force at the commencement of this Act shall be discharged by the Local Government or by such Authority or Authorities as the Local Government may appoint."

9. ASSAM.

Act passed—1.

The Deputy President's Salary Act, 1921, was the only enactment of this Council.

10. BURMA.

Acts passed—4.

Brothels.—The policy of attempting to confine brothels in the town of Rangoon to certain streets having failed to reduce their number and having been attended by certain disadvantages, drastic powers were taken by the Burma Suppression of Brothels Act (2 of 1921) to deal with the evil. The Act extends the definition of soliciting as contained in the Rangoon Police Act, 1899, makes it an offence to live on the earnings of prostitutes, and to procure a female, with or without her consent, for the purpose of frequenting a brothel or becoming a prostitute. Detention in a brothel, whether by withholding of her property or by threat of legal proceedings if her property is removed, or by any other means, is also penalized, and the Act bars proceedings, civil or criminal, by any person who alleges that he has lent property to a woman so detained, and that she has removed it. The keeping of a house as a brothel is made punishable, with enhanced penalties for second or subsequent convictions, and provision is also made for orders prohibiting the letting of houses or lodgings to prostitutes on public complaint of annoyance. Persons of European extraction convicted of offences under the Act may be deported from Burma. The Act applies in the first instance only to Rangoon Town, but may be extended to other areas by notification.

"Bucket Shop" Betting.—The Burma Gambling (Amendment) Act (3 of 1921) penalizes, in the same manner as the keeping of a gaming-house is penalized by the principal Act, the keeping of any house, enclosure, room, place, vessel or vehicle as a betting-office for the purpose of wagering on any horse-race or other race, fight, game, sport or exercise; but exempts any such place, etc., if it is an authorized enclosure on a race-course and is used for wagering on a horse-race on the day the race is run. Provision is made for entry and search of such places and for seizure of property found therein.

Rural Self-Government.—The Burma Rural Self-Government Act (4 of 1921) sets up for the first time in Burma a system of local self-government for rural areas, constituting three classes of local bodies, termed respectively District Councils, Circle Boards, and School Boards, the last-named consisting of a proportion of the members of each Circle Board with the addition of co-opted members. Ordinarily the area of authority of the District Council and School Board is a District and that of a Circle Board an aggregation of village-tracts. The members of Circle Boards are elected directly, those of the District Councils by members of the Circle Boards within the district, and there may be in addition in the

District Council not more than three persons nominated by the Government. A village-headman nominated or elected to membership of a District Council must resign his appointment of village-headman. The franchise for the Circle Boards is, roughly speaking, householder suffrage, and includes women as well as men who have the necessary qualification. The powers and duties of the Councils and Boards are similar to those of District and local Boards in other provinces, and they are subject to similar control. The Act contains the usual provision for the prescription of details by the Local Government by means of rules or orders, "orders" being subject to the approval of, and amendment by, the Legislative Council before they are promulgated.

11. REGULATIONS UNDER S. 71, GOVERNMENT OF INDIA ACT.

Regulations made—5.

The Regulations made in 1921 are of purely local importance. Two of them relate to Ajmer, two to British Baluchistan and the fifth amended the Kachin Hill-Tribes Regulation, 1895, with the object of giving power gradually to prohibit the cultivation of the opium-poppy in the Kachin Hill-tracts districts which border on the Yünnan frontier.

12. ORDINANCES UNDER S. 72, GOVERNMENT OF INDIA ACT.

Ordinances made—5.

Treaty of Peace.—The Treaty of Peace (Hungary) Ordinance (1 of 1921) was promulgated as a temporary measure to bridge the gap between the coming into force of the Treaty of Trianon which India adopted, and the issue of an Order in Council to provide for the creation of a charge under the Treaty on all property belonging at the date of the Treaty to nationals of the former Kingdom of Hungary and the net proceeds of their sale or liquidation. The Ordinance makes all such property subject to the charges imposed by the Treaty, and prohibits transactions in property so charged without the consent of the Custodian appointed for the province.

Martial Law.—The other four Ordinances of the year were necessitated by the rebellious outbreak on the part of the Mapilah (or Mophlah) inhabitants of the Malabar District in Madras in August. In that month the Martial Law Ordinance (2 of 1921) made on August 26, 1921, declared martial law to be in force in specified taluks of the Malabar District, provided for the appointment of Military Commanders, who were not to be of lower rank than Lieutenant-Colonel, to administer martial law, and enabled the Military Commanders "to make regulations to provide for the public safety and the maintenance and restriction of order and as to the powers and duties of military officers and others in furtherance of that purpose." These regulations were to interfere with the ordinary avocations of life as little as possible and if possible to be framed in consultation with the senior civil officer in direct charge of the administrative area in which the Military Commander exercises power, but not necessarily in accordance with his advice. The Ordinance further enabled the Military Commanders to empower any Magistrate, or any Military Officer of seven years' service not below the rank of Captain, to make Martial Law Orders to supplement for local areas the Martial Law Regulations.

Military Commanders are further authorized to appoint civil magistrates to exercise powers as Summary Courts to try offences against Martial Law orders and regulations, and such other offences connected with the disorders as the Military Commanders might direct them to try. The ordinary Criminal Courts were empowered to try offences directed to be tried by them by the Military Commander and offences not triable by Summary Courts, whose jurisdiction extended to no case punishable with imprisonment for a term exceeding five years and whose powers of punishment were limited to sentences of two years' imprisonment or fine of Rs. 1,000. It was specifically provided that every person accused of an offence before a Summary Court should be entitled to be defended by a legal practitioner.

In September, the Martial Law (Supplementary) Ordinance (3 of 1921) provided for the Constitution by the local Government of one or more Special Tribunals, consisting of a High Court Judge and two persons who have been Sessions Judges for at least two years, to try any case arising out of the disturbances, an appeal lying to the High Court against any sentence of death, transportation for life or imprisonment for ten years or more. In November this Ordinance was supplemented by the Martial Law (Special Magistrates) Ordinance (5 of 1921), which empowered Magistrates who had been given the powers of Summary Courts under the first Martial Law Ordinance to try any case connected with the disturbances not punishable with death, and to pass any sentence authorized by s. 30 of the Code of Criminal Procedure, an appeal from any sentence of transportation or of imprisonment exceeding two years lying to a Special Tribunal.

In October the Martial Law (Military Courts) Ordinance (4 of 1921) extended the provisions of s. 121 of the Indian Penal Code to communication to mutineers, rebels or rioters against whom operations were being carried on of any information as to the movements, numbers, etc., of the police or military forces engaged in restoring order and to the hampering the movements or misleading such forces ; and provided for the establishment of Military Courts to try such offences, and any other offences specified by the Local Government with the sanction of the Governor-General in Council. These Courts are to follow the same procedure, and exercise the same powers, and be constituted in the same manner, as a Summary General Court-Martial constituted under the Indian Army Act, but a 1st Class Magistrate or Sessions Judge may be appointed a Member of the Court ; a memorandum of evidence and of the statement of the accused is to be recorded, the finding and sentence of the Court is to be confirmed by the convening Officer, and every death-sentence is to be reserved for confirmation by the General Officer Commanding the District.

VI. EASTERN COLONIES.

1. HONG KONG.

[*Contributed by* C. G. Alabaster, Esq., K.C., O.B.E.]

Ordinances passed—32.

Stamp Duties.—The Stamp Ordinance (No. 8) repeals the Stamp Ordinance, 1901, and its amending Ordinances of 1914 and 1915, and

generally increases the duties payable. Amongst the new provisions is one requiring architects, barristers, dentists, medical practitioners, pharmaceutical chemists, and solicitors to take out annual certificates to practise, the stamp duty on which is fixed at $25. Another new duty is imposed on telegraphic transfers of money from the Colony other than transfers in silver currencies from the Colony to China.

Maintenance Orders.—The Maintenance Orders (Facilities for Enforcement) Ordinance (No. 9) was passed to facilitate the enforcement in the Colony of Maintenance Orders made in England or Ireland and *vice versa*. It is based on the Imperial Act of 1920 (10 & 11 Geo. V, c. 33).[1] It also contains a provision declaring that the Married Women (Desertion) Ordinance, 1905, shall not be deemed to be restricted to persons of Chinese or other Asiatic race. The provision of that ordinance limiting the wife's allowance to a weekly sum of $20 has also been repealed.

Criminal Procedure.—The Criminal Procedure Ordinance (No. 10) provides that upon the consideration of any question of law reserved for the Full Court by the trial judge under the Criminal Procedure Ordinance, 1899, it shall be lawful for the Full Court to affirm or quash the conviction or to direct a new trial, and even when the Court is of opinion that the question reserved might be decided in favour of the convicted person it is given power to affirm the conviction if it considers that no substantial miscarriage of justice has actually occurred.

Non-Ferrous Metals.—The Non-Ferrous Metal Industry Ordinance (No. 11) simply repeals the Ordinances of 1919 and 1920 which regulated that industry.

Rent Control.—The Rents Ordinance (No. 13) was passed in July 1921, and was intended to be in force until June 1922, but, before that date arrived, it and its amending Ordinances (Nos. 25 and 30) were replaced by the Rents Ordinance, 1922, which is still in force in 1923. It contains provisions, restricting a landlord's right to recover possession, which were based on s. 5 of the Increase of Rent and Mortgage Interest (Restriction) Act, 1920.[2] The "standard rent" is fixed at the rent payable on December 31, 1920. It is therefore retrospective. It applies only to domestic tenements.

Marine Frontage Rights.—Somewhat akin to claims of right to "ancient lights" are the claims of "marine lot" owners, that is, owners of property with a frontage on the Colony's greatest asset—the harbour—to preserve their frontage rights. On the other hand, where a city is formed at the base of a precipitous peak which rises from the sea, that city can only grow by terracing the peak or reclaiming the foreshore and sea bed. Both methods are adopted in Hong Kong, and the time has arrived for the foreshore and sea bed at the east of the Naval establishments to be reclaimed. The Praya East Reclamation Ordinance (No. 17) provides for this, and recognizes the claims of those who will lose their frontages by permitting them to participate in the scheme by paying a proportion of its cost and obtaining new marine lots on the reclaimed land. The Crown leases for the reclamation areas will be for the term of 99 years at a Crown rent of $500 per acre, with the option of renewal for a further term of 99 years at a Crown rent fixed by the Governor for the time being.

Deportation.—The Deportation Ordinance (No. 19) amends the

[1] See *Review of Legislation*, May 1922, p. 12.
[2] *Ibid.*, p. 5.

principal Ordinance of 1917 by giving the Governor-in-Council power on occasions of emergency or public danger to issue summarily a deportation order against any person who in his opinion is an alien, if he deems it to be conducive to the public good that such an order should be issued. Also the ordinary provisions of the principal Ordinance may be applied in the case of a British subject if in the opinion of the Governor-in-Council he has acted, is acting, or is about to act, whether within or without the Colony, in a manner prejudicial to the public safety or to the defence, peace or security of His Majesty's dominions or of any part thereof or of any territory which is under His Majesty's protection.

Stocks.—The Stocks Ordinance (No. 31) limits the punishment of public exposure in the stocks to cases of kidnapping and certain offences against women and girls.

Reciprocal Enforcement of Judgments.—The Judgments (Facilities for Enforcement) Ordinance (No. 32) is based on Part II of the Administration of Justice Act, 1920 (10 & 11 Geo. V, c. 81).[1]

2. STRAITS SETTLEMENTS.

[*Contributed by* A. DE MELLO, ESQ.]

Ordinances passed—39.

Indemnity (No. 21).—Based upon the Imperial Act of 1920 (10 & 11 Geo. V, c. 48)[2] and the Hong Kong Ordinance of 1921 on the same subject, the Indemnity Ordinance:

(*a*) provides for the indemnity of all those who acted during the war in good faith on behalf of the Government:

(*b*) limits the time within which actions may be brought against the Government for acts done during the war: and

(*c*) limits in the absence of any definite previous agreement, claims on account of requisitioned or controlled shipping to the rates embodied in the Admiralty Blue Book. In such case, damage due to war-risk is limited by the excision from the assessment of any increase of market values of tonnage during the war.

Innkeepers' Liability (No. 36).—Puts the liability of an innkeeper for the first time in this Colony, as in the adjacent Colonies Ceylon[3] and Hong-Kong, upon the same footing as in the United Kingdom, under the Act of 1863 (26 & 27 Vict., c. 41).

Judgments (No. 34).—Modelled, with necessary modifications, on Part II of the Administration of Justice Act, 1920 (10 & 11 Geo. V, c. 81) of the United Kingdom, it aims at facilitating the reciprocal enforcement of judgments and awards given and made by the Superior Courts of this Colony and the United Kingdom.

Sect. 5 (corresponding to s. 14 of the Imperial Act) reserves power to the Governor to extend this Ordinance to any Colony or Protected State or mandated territory which may make similar provision for reciprocity.

Machinery (No. 20).—Replaces the Steam Boilers Ordinance (No. 13 of 1887), which experience and the progressive changes in the character of machinery during the last 35 years had shown to be inadequate, by

[1] See *Review of Legislation*, May 1922, p. 12.
[2] *Ibid.*, May 1922, p. 4.
[3] *Ibid.*, July 1919, p. 144.

legislation more appropriate to modern conditions. Under the old Ordinance, such matters as e.g. the inspection of steam-boilers and prime movers alone, and the precautions to be taken on change of engineers and engine-drivers in respect of steam-boilers and prime movers only, were provided for: no provision was made for generators, steam-engines, gasholders, installations and gearing, or for complex running machinery in use in modern factories and workshops, where fencing and guarding of running parts is necessary for the prevention of accidents to workmen.

The new Ordinance, modelled on the Federated Malay States Enactment No. 5 of 1913, deals with every kind of modern machinery, except the kinds excepted in s. 22. It provides for the preservation of life and limb by means of fencing and guarding of running parts; authorizes investigation in the event of loss of life or grievous hurt; and prohibits the employment of persons under the age of 16 years on any service involving management of or attendance on machinery in motion.

Maintenance Orders (Facilities for Enforcement) (No. 8).—This Ordinance, like the Imperial Act of 1920 (10 & 11 Geo. V, c. 33) on which it is based, is of special local interest, as the judicial decision of the King's Bench Division of the High Court in London which was the proximate cause of it related to differences between parties who were at one time resident in this Colony. The facts in *Harrop* v. *Harrop*, Law Reports (1920), 3 K.B. 386, were as follows:

A judgment of the Judicial Commissioner of the Federated Malay States, dated December 13, 1916 (affirming, with variation, the previous Order of a Magistrate, under s. 39 of the Small Offences Enactment No. 11 of 1898 of the State of Perak), had adjudged that a husband should pay to his wife, as from August 9, 1916, the sum of $220 per month for the maintenance of herself and the child of the marriage. In October 1919, the parties having gone to England, the wife brought an action against the husband in the King's Bench Division, claiming five monthly payments due under the above judgment of the Judicial Commissioner. At the trial Sankey, J., however, held that the judgment was not final and conclusive within the doctrine of English Law which enables judgments of foreign Courts to be enforced in England, and that, accordingly, the wife could not recover. The Act above referred to was then passed to remedy the evil disclosed by this judgment, and the present Ordinance is modelled upon that Act.

By virtue of the Minor Offences Ordinance (No. 13 of 1906), both Police Courts and District Courts have original jurisdiction to make maintenance orders against persons resident in the Colony. The new Ordinance leaves this jurisdiction untouched, but for the purpose of enforcing in the Colony maintenance orders made in England or Ireland, and of confirming provisional orders of maintenance made in England or Ireland against persons resident in the Colony, powers and jurisdiction have been restricted by the new Ordinance to District Courts.

Statistics (No. 28).—In response to the general desire both of the Government and of the mercantile community, this Ordinance creates for the first time in the history of the Colony a statistical bureau for the collection and arrangement of information relative to various interests with which the Colony is concerned. The provisions of the Ordinance are substantially the same as those of the Federated Malay States Enactment of 1914.

Statute Laws (Revised Edition) Operation (No. 26).—This is one of

the most important measures passed during the year. The Revised Edition of the Ordinances represents the work of the Statute Laws Revision Committee appointed under Ordinance No. 23 of 1910,[1] and incorporates all the Ordinances up to the end of 1919 and amending Ordinances passed in the early part of the year 1921. It consists of 174 public Ordinances bound in four volumes (each of between 800 and 900 pages), and a fifth or supplementary volume of 29 private Ordinances. The aim of the Revision Committee has been largely to secure compendiousness of legislation and conciseness of terminology; and they have, among other things, modified the mode of citation by reference to the number and name of the Ordinance only, thus "Ordinance No. 51 (Arbitration)," instead of by reference to its name, number and year, as in the past, thus "Arbitration Ordinance, No. 13 of 1890."

3. FEDERATED MALAY STATES.

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—26.

As in past years, the majority of the enactments are of purely local or transitory interest. The principal enactments of note are the four following:

Pilots (No. 20).—Provides for the licensing of pilots and the protection of licensed pilots against the competition of unlicensed persons. It was necessitated by the increasing use of ports in the Federated Malay States by ocean-going steamers.

Sections 3, 6, 8 and 9 are taken from the Imperial Act of 1913 (2 & 3 Geo. V, c. 31), and the remaining provisions from the Merchant Shipping Ordinance (No. 32 of 1910) of the Straits Settlements.[2]

The enactment does not impose compulsory pilotage.

Vagrancy (No. 1).—Repeals the enactments of the individual States of the Federation passed in 1902, which dealt only with decrepit vagrants, who were convicted of vagrancy and medically certified incapable of earning a living, and then detained in a vagrant ward until certified capable of earning a living, and were thereupon discharged.

In view of the apprehensions entertained as to the prospective increase of vagrancy (arising largely, it may be said in passing, out of present depressed trade conditions) the new enactment, while retaining the bulk of the provisions of the old laws, makes the following modifications.

(1) It applies to all vagrants, able-bodied as well as decrepit (definition in s. 2); and a Magistrate is empowered (s. 6) to order any person convicted of any offence, who appears to him to be a vagrant as defined above, to be detained in a ward.

(2) The Superintendent of the vagrant ward is to endeavour to find work for inmates outside the ward, and any able-bodied vagrant refusing work so offered him is liable to imprisonment (s. 7).

(3) Repatriation is provided for (ss. 8 and 9):

(*a*) by agreement with the vagrant for a period of five years:

(*b*) compulsorily, in cases where no work can be found for the vagrant, and he has not entered into an agreement.

[1] See *Journal*, New Series, No. xxvi, p. 378.

[2] *Ibid.*, p. 377.

Repatriated vagrants returning to the country may be treated as banishees.

Weights and Measures (No. 16).—This enactment again re-enacts, with certain amendments, the law as to weights and measures which had hitherto been contained in seven different Orders in Council, Regulations and Enactments of the individual States of the Federation, made or passed between the years 1893 and 1897.

The main amendments are:

(1) The establishment (s. 3) of one uniform set of standards for the whole Federation, as prescribed in the Schedule to the enactment, in place of four different ones in each of the States thereof, as hitherto, and further requirement of the annual comparison and verification of copies of the standards that are in use.

(2) The issue of a certificate of verification in respect of every weight tested (s. 12).

The remaining provisions re-enact the prior laws with such changes of form as were necessitated by the federation of the Malay States in 1910.

Wild Animals and Birds Protection (No. 18).—This enactment strengthens the protection hitherto given by the prior enactments of 1911 and 1914 (which it repeals) to big game and deer, the principal innovations being as follows:

(1) Prohibiting the shooting of deer without a licence (s. 15).

(2) Prescribing standards of maturity, and rendering the killing of immature big game or deer an offence (ss. 4 and 10).

(3) Prescribing sanctuaries where wild life will be absolutely protected, in addition to "reserves" as at present constituted (ss. 7 and 8).

(4) Requiring a deposit before the issue of licences to kill big game or rare birds, and the return at the prescribed date of all big game, deer, and rare bird licences, endorsed with particulars of big game, deer or rare birds taken or killed (s. 26).

(5) Providing for the appointing of a Game Warden to enforce the law (s. 5).

4. MAURITIUS.

5. CEYLON.

[It is hoped to publish the Summaries of Legislation in the next *Review*.]

6. THE STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. Macaskie, Esq.]

During the year 1921 only one Ordinance was promulgated, namely:

Former Enemy Aliens.—The Former Enemy Aliens Admission (Amendment) Ordinance (Ordinance 1 of 1921), which amends the principal Ordinance (Ordinance 2 of 1919) dealing with the admission of former enemy aliens to the State, by empowering local Residents to grant temporary seven-day permits to enter to former enemy aliens who are merely passing through the State on transit to other countries. Under the former law a permit from the Government Secretary was required.

VII. WEST AFRICA.

1. GAMBIA.

[*Contributed by* T. J. Turbett, Esq.]

1920.

Eighteen Ordinances were enacted during the year 1920, as compared with sixteen in the previous year. Of these Ordinances the most important were the Control and Preservation of Silver Currency Ordinance, the Spirituous Liquors Ordinance, the Probates (British and Colonial) Recognition Ordinance, the Palm Kernels (Export Duty) Ordinance and the Adulteration of Produce Ordinance. None of the remaining Ordinances calls for much comment, but each of them is dealt with in detail below. The majority of the Ordinances passed merely effect small amendments in the existing Law.

Customs.—The Customs (Consolidation) (Amendment) Ordinance (No. 1) was passed in order to remove the restrictions on the importation of spirits other than trade spirits. By Ordinance No. 6 of 1919 spirits of any kind were placed amongst the list of prohibited imports, and could only be obtained under licences, which were issued to certain approved persons by the Government. The measure has since been repealed.

Sugar.—The Sugar Convention (Repeal) Ordinance (No. 2) was passed in view of the fact that the Imperial Government had withdrawn from the Brussels Sugar Convention.

Silver Currency.—The Control and Preservation of Silver Currency Ordinance (No. 3) was enacted mainly in order to prohibit the exportation of silver coin from the Colony and Protectorate except under a licence from the Governor of the Colony.

Section 4 prohibits under a heavy term of imprisonment the melting down or breaking up of all silver coin. Section 5 gives very wide and stringent powers to the Currency Officer to enable him to prevent the hoarding of silver to the detriment of the general public.

Palm Kernels.—The Palm Kernels (Export Duty) Ordinance (No. 4) was passed in order to impose an export duty on palm kernels exported to any place outside the British Empire ; the duty imposed is at the rate of £2 per ton. A similar Ordinance was enacted in the remaining British West African Colonies. It has no particularly distinguishing feature, except that under s. 5 the exporter can enter into a bond for the amount of duties payable by him, and such bond shall be cancelled if a proper certificate is afterwards produced showing that the palm kernels have been landed on English soil. Under s. 7 a refund of duty can also be given if satisfactory evidence is produced to the effect that palm kernels have been landed in His Majesty's Dominions or have been lost at sea. The Ordinance remains in force for a period of five years only.

Navigation and Pilotage.—The object of the Navigation and Pilotage (Consolidation) Amendment Ordinance (No. 6) is to enable any steamer, and not only a mail steamer, to approach or depart from the Government wharf at any time without hindrance. Formerly no power existed, under the principal Ordinance, to order the removal of small craft except on the arrival of a mail steamer.

Goats and Sheep.—The object of the Town of Bathurst (Amendment)

Ordinance (No. 7) is to prevent the straying of goats and sheep in compounds and other enclosed spaces. The Ordinance also provides for the payment of half the penalty to the person impounding such goats or sheep.

Spirituous Liquors.—Similar Ordinances were passed in all West African Colonies for the purpose of carrying out the provisions of the Convention relating to the liquor traffic in Africa which was signed at Saint Germain-en-Laye in September 1919. The Gambia Ordinance (No. 9) follows closely the Gold Coast Ordinance on the same subject, and prohibits definitely the importation and sale of all trade and injurious spirits. Power is also taken to prevent the manufacture of distilled beverages and the importation, possession, etc., of stills. An express proviso, however, has been inserted allowing for the denaturing of certain spirits so that they may be used exclusively for medical and scientific purposes. The usual provisions as to appropriation of part of the fine for the benefit of informers, etc., also finds place in the Ordinance.

Alloy Coinage.—The Discount on Alloy Coinage Prohibition Ordinance (No. 11) was enacted in order to prevent the depreciation in value of alloy coins which have been declared to be legal tender in the Colony.

Enemy Debts.—The Local Clearing Office Establishment Ordinance (No. 12) provides for the establishment of a Local Clearing Office for the Collection and Payment of Enemy Debts. The Ordinance is uniform with similar enactments in other West African Colonies.

Probates.—The Probates (British and Colonial) Recognition Ordinance (No. 14) provides for the recognition in the Colony of Probate and letters of Administration granted in the United Kingdom or in a British possession or Protectorate or by a British Court in a Foreign Country. This Ordinance is based on a similar Ordinance passed in Sierra Leone in 1915.[1] The Ordinance does not apply to the Protectorate of the Gambia.

Census.—This decennial Ordinance (No. 16) is in no way different from the previous Ordinances on the same subject, with the exception that provision is made for the appointment of one Census Commissioner in lieu of the three Commissioners formerly considered necessary.

Adulteration of Produce.—The Adulteration of Produce Ordinance (No. 18) was enacted in order to protect the ground nut and palm kernel industries and to ensure the maintenance of a high standard for all produce exported overseas. The Ordinance is based on the Nigerian Adulteration of Produce Ordinance, 1917.[2] The Ordinance provides further for the prosecution of the native planter who adulterates his produce before sale, and also punishes the merchant or trader who is careless in the handling of his produce before shipment.

1921.

Fifteen Ordinances were passed and assented to during the year 1921, as compared with eighteen in the previous year. Of this number, the most important were the Maintenance Orders (Facilities for Enforcement) and the Petroleum Ordinances. The former was based entirely on the Imperial Act of 1920 and the latter enactment followed the Nigerian Ordinance of 1916 on the same subject.

Motor Traffic.—A short amending Ordinance (No. 1) to the principal Ordinance No. 6 of 1918 prohibits motor vehicles from plying for hire

[1] See *Review of Legislation*, New Series, No. xxxviii, p. 164.
[2] *Ibid.*, July 1919, p. 158.

without having first been duly licensed for that purpose by the proper authority. The Governor-in-Council is also given power to frame regulations prescribing the scale of charges for motor hire.

Public Officers Guarantee Fund.—This Ordinance (No. 2) repeals the existing enactment relating to the Public Officers Guarantee Fund. The Gambia has no Guarantee Fund of its own, but subscribes to a similar fund in the Colony of Sierra Leone, and the latter Colony supplies the necessary legislative machinery for working the fund. For some years certain difficulties had been experienced in the administration of the Ordinance, and after consultation between the respective Governments it was decided to amend the law. Ordinance 26 of 1920 was consequently enacted in the Colony of Sierra Leone, and it therefore became necessary to pass reciprocal legislation in the form of the Ordinance now under review. The main object of the Ordinance is to simplify the accounting work entailed in the previous Ordinance by:

(*a*) Providing for a single contribution by an officer instead of an annual contribution.

(*b*) Providing for a refund of the whole contributions of an officer on retirement or death, instead of nine-tenths of his total contributions.

(*c*) Providing that an officer who is a contributor to the Fund shall not have to give further security when acting for an officer secured for a larger amount.

Registration of Deeds.—This short amending Ordinance (No. 3) adds an extra section to the Registration of Deeds Ordinance, 1880, and provides a schedule of charges for the late registration of any instruments which the Colonial Registrar may accept. The power to receive such instruments is quite optional.

Nationality.—The British Nationality (Amendment) Ordinance (No. 4) merely lays down a new schedule of fees in order that the fees charged locally for the grant of Certificates of Naturalization might be brought into line with those charged under the Imperial Naturalization Regulations of 1920.

Alloy Coinage.—The Discount on Alloy Coinage Prohibition (Amendment) Ordinance (No. 5) amends only s. 3 of Ordinance No. 11 of 1920, and substitutes a lesser penalty for that originally imposed.

Interpretation.—The Interpretation (Amendment) Ordinance (No. 7) merely substitutes the expression Director of Public Works for the expression Colonial Engineer, the latter post having been abolished.

West Africa Frontier Force.—The object of the West African Frontier Force (Consolidation) (Amendment) Ordinance (No. 8) is to enable petty offences committed by boys in the Gambia Company of the West African Frontier Force to be dealt with in a manner suitable to their age, i.e. by whipping offenders under sixteen years of age. It was considered that the infliction of penalties prescribed for the more mature members of the Company in respect to offences of this kind would in most cases have little effect and might even in some instances be harmful.

Adulteration of Produce (No. 9) amends the Adulteration of Produce Ordinance, 1920, by defining afresh the term "Standard of Purity." The term as now defined has been adopted from the Nigerian Ordinance and gives the Governor-in-Council power to prescribe by regulation the necessary standard. In s. 4, power has also been taken by the Governor-in-Council to grant restricted licences for the export of produce which does not comply with the prescribed standard of purity. Under these licences,

however, the exporter must furnish a guarantee that the produce thus exported shall not be sold in its impure condition on arrival in the country of destination.

Maintenance. — Maintenance Orders (Facilities for Enforcement) Ordinance (No. 10) is based entirely on the Imperial Act of 1920, and is similar in all respects. The object of the Ordinance, which originated from a resolution passed by the Imperial Conference in 1911, is to facilitate the enforcement in the Colony and Protectorate of maintenance orders made in England and Ireland. Power has also been taken for the Courts in this Colony to make provisional orders of maintenance against persons resident in England or Ireland and confirm provisional orders of maintenance made in England or Ireland against persons resident in the Colony.

Travelling Allowance.—The Travelling Allowance Ordinance (No. 11) is purely administrative and concerns only Government Officials. The enactment repeals an Ordinance of 1895 on the same subject which badly required revision. The present Ordinance is much simpler in form and does away with certain sections which were at times extremely difficult of interpretation. A new schedule of allowances is provided and the Ordinance was also made retrospective to the beginning of the year.

Official Secrets.—Ordinance (No. 12) applies the Imperial Act of 1920 [1] to the Protectorate of the Gambia.

Grazing of Cattle.—The Town of Bathurst (Amendment) Ordinance (No. 13) contains only one section, which prohibits finally the grazing of cattle in the streets of the town.

Petroleum.—The Petroleum Ordinance (No. 14) is based entirely on the Nigerian Petroleum Ordinance of 1916. The Nigerian Ordinance has been adopted *mutatis mutandis*, with the exception of a few local provisions which have been adopted in order to make the Ordinance more applicable to this Colony.

2. GOLD COAST.

[*Contributed by* R. W. H. Wilkinson, Esq.]

During the year 1921 forty Ordinances were passed by the Legislative Council, of which the following are those of more general interest:

Kola Nuts.—The Kola Nuts Export Duty Ordinance (No. 6) was passed to raise export duties on kola nuts exported by sea. After inquiry, it was found that the Kola trade could well bear an export duty.

Timber Export.—The Timber Export Duty Ordinance (No. 7) was passed to raise an export duty on timber. The cutting of timber denudes the country of its valuable natural products, and it was considered that the Government should take a part of the proceeds in order to enable it to counteract such denudation by re-afforestation and to reimburse it for the expenditure on those communications it provides which facilitate extraction.

Employment.—The Regulation of Employment Ordinance (No. 11) repeals and consolidates the provisions of the Master and Servant Ordinance, c. 77, the Native Labour (Foreign Service) Ordinance, c. 78, and the Employment of Women Ordinance, c. 79; the main object in view

[1] See *Review of Legislation*, May 1922, p. 10.

being to codify the law relating to labour and to present it in a simpler and more lucid form. Subsequent legislation to supplement this Ordinance is in process of being brought into force; the objects of which are to regulate the employment of persons at sea by fixing a minimum age for the employment of children at sea, and by providing that it shall be obligatory for an employer of a native on a sea-going vessel to return such native to the place where he embarked, and that if the native is not so returned the employer shall be liable for any expenses incurred by this Government in repatriating the said native.

Provincial Commissioners.—The Provincial Commissioners (Vesting of Powers) Ordinance (No. 17) transfers from the Governor and Governor-in-Council certain powers which, it is considered, can at the present time more conveniently be exercised by Provincial Commissioners.

Takoradi Harbour and Town.—The Takoradi Harbour and Town (Acquisition of Lands) Ordinance (No. 21) vests in the Government certain lands situated in the Seccondee–Dixcove District of the Western Province of the Colony, which lands it has been considered desirable to acquire for the purposes of the construction of a deep-water harbour and for the foundation and lay-out of a new town in connexion with and adjacent to the said harbour, to be designated the town of Takoradi.

Arms and Ammunition.—The Arms and Ammunition Ordinance (No. 23) was passed to bring into operation in the Colony the provisions of the Convention for the Control of the Trade in Arms and Ammunition made between Great Britain and a number of other States on September 10, 1919, and generally to consolidate the law regulating matters relating to arms and ammunition.

(i) Ashanti.

During the year 1921 seventeen Ordinances were enacted with respect to Ashanti. Several of these were enacted for the purpose of applying to Ashanti various Ordinances of the Gold Coast Colony.

Arms and Ammunition.—The general purport of the Arms and Ammunition Ordinance (No. 15) is similar to that of the Gold Coast Ordinance No. 23 of 1921.

Golden Stool of Ashanti.—The Golden Stool of Ashanti (Detention and Deportation of Desecrators) Ordinance (No. 14) was passed to provide for the detention and deportation of certain persons convicted of desecrating the Golden Stool of Ashanti. The measure was thought expedient for the better assurance of the peace and good order of Ashanti.

(ii) Northern Territories.

During the year 1921 eleven Ordinances were enacted with respect to the Protectorate. Several of these were enacted for the purpose of applying to the Protectorate various Ordinances of the Gold Coast.

Arms and Ammunition.—The Arms and Ammunition Ordinance (No. 8), which is similar to that of the Ordinances of the Gold Coast Colony and of Ashanti, No. 23 of 1921 and No. 15 of 1921 respectively, was enacted for the Protectorate.

3. NIGERIA.

[*Contributed by* M. L. Tew, Esq., *Solicitor-General.*]

Ordinances passed—17.

Townships.—By No. 3 the municipal authority of a township of the first-class is empowered to grant pensions and gratuities to its employees on the same conditions as those laid down in the law governing the grant of pensions to officers in the Government Service.

Widows' and Orphans' Pensions.—By No. 4 the provisions of No. 3 of 1915 are made more favourable for contributors to the West African Widows' and Orphans' Pension Fund. Among other things, the Pension Tables contained in Schedule A of the principal Ordinance are re-calculated on the basis of 8 per cent. instead of 6 per cent. compound interest, and officers who had previously declined to become contributors are allowed to reconsider their decision subject to their passing a medical examination.

Criminal Code.—No. 7 (Criminal Code (Amendment)), besides minor amendments, introduces into No. 15 of 1916 provisions taken from the Gaming Acts to enable the police to deal with common gaming-houses.

Maintenance Orders.—No. 8 (Maintenance Orders) makes reciprocal provision for the enforcement in Nigeria of maintenance orders made in England or Ireland, and prescribes the procedure to be adopted in the case of such orders made in Nigeria against persons resident in England or Ireland. In consequence of the enactment of this Ordinance, an Order in Council has been made under s. 12 of the Maintenance Orders (Facilities for Enforcement) Act, 1920,[1] providing for the enforcement in England or Ireland of orders made in Nigeria.

4. SIERRA LEONE.

[*Contributed by* Michael F. J. McDonnell, Esq., *Attorney-General.*]

Twenty-five Ordinances were passed during the year, of which several were important consolidating enactments aimed at simplifying the Statute Book and two were validating enactments setting right illegalities recently brought to light.

The following are the most important Ordinances:

Riot Damages.—Colony and Protectorate Riot (Damages) (No. 4) adapts certain of the provisions of the Riot (Damages) Act, 1886 (49 & 50 Victoria, c. 38), to the conditions of this Colony and Protectorate.

Maintenance. — Maintenance Orders (Facilities for Enforcement) (No. 6), which is extended to the Protectorate by No. 21, is reciprocal to the Imperial Act on the same subject.

Frontier Force.—West African Frontier Force. Sierra Leone Battalion (No. 7), serves to legalize the whipping of band boys aged less than sixteen years.

Municipality. — Freetown Municipality (Amendment) (No. 8) is ancillary to No. 4 in that it allows compensation for damage awarded

[1] See *Review of Legislation*, May 1922, p. 12.

under that Ordinance to be a charge on the City Fund. It also permits the City Council to vote from the Fund moneys for the relief of the poor.

Enforcement of Judgments.—Judgments (Reciprocal Enforcement) (No. 10) is another Ordinance giving powers reciprocal to those granted by an Act of the Imperial Parliament.

Court Messengers.—Court Messengers (No. 11) serves to consolidate the law relating to the quasi-Police Force of Court Messengers in the Protectorate, with certain minor amendments.

Headmen.—Headmen (No. 12) performs the same functions in respect of the law governing the headmen of the villages in the Colony.

Statute Revision. — Statutes (Revised Edition, Validation and Indemnity) (No. 13) corrects an omission to bring into force by Proclamation the final volume of the last revised edition of the Statutes of the Colony.

Intestate Estates. — Intestate Estates (Validating and Amending) (No. 16) corrects past omissions by which Curators of Intestate Estates were not appointed, as the law required, by the Governor-in-Council, and for the future empowers the Governor to make the appointment.

Sheriffs.—Sheriffs (No. 17) serves to consolidate, with minor amendments, the law relating to sheriffs in the Colony and Protectorate.

Territorial Waters.—Territorial Waters (No. 18) gives the Governor-in-Council power to regulate navigation, etc., in the Territorial Waters.

Administration. — Protectorate (Amendment) (No. 19) deals with different administrative matters in the Protectorate, such as payment of house tax, the issue of store and hawkers' licences. and the conduct by Political Officers of inquiries into disputes arising from native rites and customs or boundaries to land.

Pensions.—European Officers (Pensions) (No. 24) is in terms similar to those enforced in the three other British West African Colonies.

Liquor Licences.—Liquor Licence (No. 25) consolidates the law on this subject and amends it by creating a licensing board to determine the grant or refusal of licences throughout the Colony.

In the past this duty was cast on the Police Magistrate of Freetown with a right of appeal to the Supreme Court. There is now no right of appeal from the decision of the Licensing Board, it having been felt that the hearing of such Appeals, involving in almost every instance mere matters of fact, was an unsuitable duty to cast upon the Supreme Court.

A continuity of policy as to the grant or refusal of licences was a desideratum which the creation of the Board was designed to supply.

VIII. EAST AFRICA.

ZANZIBAR PROTECTORATE.

[*Contributed by* ALBERT MANSON, ESQ.]

Decrees passed—33.

Execution of Foreign Judgments and Orders.—Three Decrees have been issued with a view to executing and enforcing within His Highness the Sultan's Dominions certain judgments and orders obtained in the United Kingdom and elsewhere.

The British Judgments Decree (No. 25) provides that when a judgment

has been obtained in a superior Court in England, Scotland or Ireland, the judgment creditor may apply to the Court in Zanzibar within twelve months from the date of the judgment for such judgment to be registered, s. 2 (1). "Judgment" means any judgment or order given or made by a Court in any civil proceedings, whether before or after the passing of this Decree, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a Court in that place, s. 4. Whether registration will be allowed or not is a discretionary matter for the Court, s. 2 (1); except in the following cases, amongst others, when it must be refused: where the original Court acted without jurisdiction; where the judgment was obtained by fraud; where the judgment debtor was not properly served with the process of the original Court; where the judgment was in respect of a cause of action which by reason of public policy or some similar reason could not have been entertained by His Majesty's Court for Zanzibar; where an appeal is pending, s. 2 (2).

When registered, such a judgment can be executed as though it had been originally obtained in His Majesty's Court for Zanzibar, s. 2 (3). Power to frame Rules of Court is conferred by s. 4 (4).

The British Government has reciprocated, and Zanzibar Judgments will now be enforced in the United Kingdom (Order-in-Council applying Part II of the Administration of Justice Act, 1920, to Zanzibar).

The Maintenance Orders (Facilities for Enforcement) Decree (No. 22) as its title implies, makes provision for enforcing in Zanzibar orders for maintenance made in England or Ireland. "Maintenance Order" means an order other than an order of affiliation for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made, s. 10. Where such an order has been made against any person by any Court in England or Ireland and a certified copy of the order has been transmitted by the Secretary of State to the British Resident, the latter shall send a copy of the order to the Judge of His Britannic Majesty's Court for Zanzibar, who shall thereupon register the same and shall have power to enforce it, s. 2. For this purpose such an order is to be treated as if it was an order for the payment of a civil debt, s. 7 (2).

Provisional maintenance orders made in England or Ireland may be confirmed by His Majesty's Court for Zanzibar, s. 5. If the person against whom they are made is resident in the protectorate, the British Resident may send the documents to the Judge and require a summons to be served upon the same person to show cause why the order should not be confirmed, s. 5 (1). At the hearing the party summoned may raise any defence which he might have raised in the original proceedings had he been a party thereto, s. 5 (3). The Court may remit the case to the Court which made the provisional order for further evidence to be taken if it is satisfied that this course is necessary for the purpose of any defence, s. 5 (5).

Depositions taken in a Court in England or Ireland for the purpose of this Decree are receivable in evidence in His Majesty's Court for Zanzibar, s. 9. Since this Decree the English Act—The Maintenance Orders (Facilities for Enforcement) Act, 1920—has been made applicable to the Zanzibar Protectorate by Order-in-Council, and maintenance orders made in Zanzibar are enforceable in England.

The Judgments Extension (Amendment) Decree (No. 8) has been passed with a view to making the provision for the enforcement in the Zanzibar Protectorate of judgments and decrees obtained in Uganda and Nyasaland applicable also to judgments and decrees obtained in Kenya Colony and the Mandated German East Africa—now Tanganyika Territory.

Education.—S. 2 (1) explains the objects of the Compulsory Education Decree (No. 16): Whenever the British Resident is satisfied that any male person between the age or apparent age of five years and nineteen years, who is one of our subjects, is not receiving an education which, having regard to his position in life, is, in the opinion of the British Resident, reasonably sufficient, he may make an order directing such person to be enrolled as a pupil at a Government School, and such order shall specify the school at which such pupil shall be enrolled and the period during which he shall be enrolled.

The period of enrolment may be extended, if the pupil does not show satisfactory proficiency at the end of the period of training, s. 2 (2). The pupil may be called upon to attend " industrial " classes in a Government school when he shall have passed the standard of the third year of instruction in the vernacular, s. 2 (3). And then follow provisions regarding attendance and the failure to attend without reasonable cause.

Public Health.—Sanitation, in its fullest and widest sense, is a matter of great importance everywhere, but more especially so in tropical countries, where a constant and vigilant watch must be kept by the authorities in the interests of public health.

The Manufacture and Sale of Aerated Waters Decree (No. 13) explains itself. " Aerated Waters " means " Any water impregnated or charged with carbon dioxide gas under pressure, with or without flavouring or colouring substances or sugar," s. 2 (*a*). No person shall manufacture, or sell either wholesale or retail, aerated waters unless licensed to do so, s. 3. A severe penalty is imposed for a breach of this provision—imprisonment for a term not exceeding 1 year and (or) a fine not exceeding 1,000 rupees, s. 8.

Then follows a provision empowering the British Resident to make rules for the carrying out of the Decree, s. 7. This power has been exercised and a set of regulations framed which deal in great detail with such matters as the cleaning of bottles, the wearing of clean clothing by the person manufacturing the waters, the ventilation and general cleanliness of the rooms used in the manufacture, and contain a number of similar provisions which can easily be imagined but hardly require to be set forth in this summary.

The Public Health (Amendment) Decree (No. 14) increases the penalty for failing to notify an infectious disease to the proper authorities from Rs. 50 to Rs. 1,000.

Sale of Goods.—This Decree (No. 30) applies s. 4 of the Sale of Goods Act, 1893, in respect of the sale of goods of the value of Rs. 100 and upwards, and incorporates the definitions of " Action," " Buyer," " Contract " and " Goods " in that Statute.

Attachment and Execution.—The Law (Amendment) Decree (No. 12) was passed to exempt certain property of natives from attachment and sale under a judgment. If the judgment's debtor is a native—(1) land, trees and ground crops; (2) native dwellings constructed of borities, fitos, udongo, makuti, corrugated iron, bati or other material customarily employed in native buildings, are privileged if the combined value does

not exceed Rs. 500. If it is in excess of that value, only the property held in excess of that figure may be seized. The rule applies also to foreclosure and sale of mortgage property, s. 2. Sect. 3 makes a similar amendment of the bankruptcy law, and the above property if under Rs. 500 will not be liable to seizure for distribution amongst the creditors of a native.

Public Safety.—By the Dangerous Goods Decree (No. 17) the importation of all "dangerous goods," defined by s. 2 to mean and include "all substances, gases or liquids of an explosive, corrosive or highly inflammable nature," is prohibited except in accordance with the Decree, s. 3.

By s. 4, the master or agent of a vessel carrying dangerous goods must notify the Port Office of the intended arrival of the vessel 48 hours in advance; and furnish a list of the quantities and nature of the "dangerous goods" to the Chief of Customs if it is intended to land them, s. 5. Notification of the intended shipment of dangerous goods out of the Protectorate must be given to the Port Officer and Chief of Customs, s. 8. Proper signals must be exhibited on arrival and when lying in harbour, s. 6. These signals are prescribed by the Rules issued under the Decree which deal in detail with matters relating to the landing, storage and removal of dangerous goods. The penalty for infringement of the provisions is imprisonment for six months or a fine of Rs. 1,000 or both, s. 15.

By the Storage of Wood Decree (No. 27) the storage or stacking on open sites or in buildings or sheds (other than buildings or sheds closed on all sides and constructed of stone, iron or other fireproof material) of all wood for the purposes of sale is prohibited, except within certain prescribed areas.

Wakf Property.—The Wakf Property (Amendment) Decree (No. 1) provides that a register shall be kept of all buildings and occupancies of whatever kind on Wakf lands, s. 2. All persons owning buildings on Wakf land or in occupation of Wakf land must register such ownership or occupancy, s. 3. The consent of the Wakf Commissioners must be obtained before any building of any nature is erected on Wakf land or before the enclosure of any land on Wakf property is undertaken, s. 4. Transfer of ownership of any building on Wakf land must be notified to the Wakf Commissioners, s. 5.

Census.—The Census Decree (No. 3) provides for the taking of the census of the non-native inhabitants in Zanzibar in 1921, and contains the usual provisions of such an enactment.

Native Labour.—By this Decree (No. 20) any District Commissioner or Assistant District Commissioner may by an order in writing under his hand require the attendance before him of any native who is within the limits of his District at such time and place as shall be specified in the order, s. 2. Any native refusing to comply with such an order may be arrested without a warrant and punished, s. 3.

Military Forces.—King's African Rifles Reserve Forces Decree (No. 21) provides by s. 3 that "it shall be lawful for the British Resident to raise and maintain a Reserve consisting of such number of natives as, having completed the period of service in the King's African Rifles for which they originally enlisted or engaged or as much of that service as they have been called upon to perform, enlist in the Reserve. Provided nevertheless that the number of men forming such Reserve shall not exceed such number as the British Resident shall from time to time determine."

Every reservist enlisted under this Decree shall be enlisted to serve for three years or such other period not exceeding three years as the British Resident may prescribe, and such period shall be reckoned from the date of attestation, s. 5.

Every reservist shall be liable to be called out by the Officer Commanding the Troops as follows:

(1) For training and exercises at such places within the Protectorate and for such times not exceeding 31 days in any one year as may be directed.

(2) In aid of the Civil Power within the Protectorate.

(3) On permanent service within or without the Protectorate in case of insurrection, hostilities or emergency whenever the British Resident may think fit.

A number of provisions then follow regarding reporting for duty when called out, emoluments, offences, and discharge on completion of service.

Public Land.—The occupation and disposal of Public land is dealt with by a Decree (No. 32) which defines "public land" as any land which is vested in or subject to the disposal of the Sultan or the Government; the term also includes all waste and unoccupied land and all land occupied by natives, s. 2.

"Native" means and includes all Wahadimu and Wapemba and members of any indigenous African tribes settled in the Protectorate, s. 2. No person, other than a native, may occupy, cultivate or plant any trees or crops upon any public land except with the consent of a District Commissioner, s. 3. The British Resident is empowered to sell, lease or otherwise dispose of any public land, but compensation must be paid to any native occupier in respect of trees, crops or buildings, s. 4. Power to make rules for carrying the Decree into effect is given by s. 6.

Miscellaneous.—The Customs Decree (No. 11) prohibits the importation of "all seditious, scandalous or demoralizing books, or other seditious, scandalous or demoralizing printed matter of any description whatsoever," s. 2.

The Widows and Orphans Decree (No. 2) is not a decree of general applicability. It makes provisions for the granting of pensions to the widows and children of European Officers employed in the service of the Government of the Protectorate of Zanzibar.

The Fugitive Offenders Decree (No. 33) applies the English Fugitive Offenders Act, 1881, to the Protectorate.

The Treaty of Peace (Amendment) Decree (No. 4) and Treaty of Peace (Amendment) (No. 2) Decree (No. 23) apply the various Peace Orders, 1919–1921, to the Protectorate.

The Treaty of Peace (Hungary) Decree (No. 31) applies the Treaty of Peace (Hungary) Order, 1920, to the Protectorate.

The Agricultural Produce Decree, the Maakida and Masheha Police Powers' Decree, and the Administrator-General's Decree deal with small matters which hardly require separate treatment.

IX. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by the* Hon. Hector Josephs, K.C.]

There were twenty-three Ordinances passed during the year. Of these the principal enactments are :

Court of Appeal.—The object of the West Indian Court of Appeal Ordinance (No. 2) is to define the matters in which there is an appeal from a single Judge of the Supreme Court of the Colony to the West Indian Court of Appeal established by the West Indian Court of Appeal Act, 1919. In civil matters there is no appeal as a general rule from an interlocutory judgment or order, or from any judgment where the amount claimed, or the value of the property, does not exceed £52 1*s.* 8*d.* Apart from the exceptions contained in s. 3 (2), there is an appeal from any judgment or order of a single Judge. In criminal cases a Judge of the Court of first instance may reserve a question of law for the West Indian Court of Appeal. Appeals now go to this Court from a judgment of a single Judge of the Supreme Court pronounced on the hearing of an appeal from a Magistrate's Court. The Ordinance abolishes the Full Court of the Supreme Court as a Court of Appeal.

Profits Tax.—The Profits Tax Ordinance (No. 4) provides the machinery for assessing the duty on profits imposed by the Tax Ordinance, 1921, but the Profits Tax was left out of the Tax Ordinance, 1922 (No. 22), and as a consequence there is no Profits Tax for the current year.

Plantation Shops.—The Plantation Shops Ordinance (No. 13) forbids the proprietor or any officer of a plantation to keep or be interested in the profits of any shop or store kept upon any plantation or within five miles thereof, except a proprietor who obtains a licence from the Governor-in-Council which is revocable at pleasure. All sales shall be for a money payment, but the sale of spirits, malt or wine is forbidden.

Pensions.—The Pensions Ordinance (No. 15) amends the provisions as to pensions of public officers. The pensions of officers coming under the Ordinance (namely, those appointed after the coming into operation of the Ordinance and those who within three months of that time accept the Ordinance) are to be calculated on the monthly salary for five years before retirement ; on the retirement of an officer or on his death whilst in the service, there shall be paid to him (in addition to any pension) or to his personal representative, a sum equal to one-thirtieth of twice the amount of his annual salary at the time of his retirement or death for every year of service not exceeding thirty years ; where the officer has held office in the Colony for one year or more and subsequently serves His Majesty elsewhere, the payment on his retirement or death shall be in respect of his annual salary at the time that he ceased to hold office in the Colony.

Trade Unions.—The Trade Union Ordinance (No. 17) is practically a compilation of the English Statute Law with respect to trade unions ; it does not, however, legalize peaceful picketing or the furtherance of political objects, nor does it exempt from liability for interfering with another person's business in furtherance of a trade dispute.

Merchant Shipping.—The Merchant Shipping (Wireless Telegraphy)

Ordinance (No. 19) is practically a reproduction for local purposes of the similar English Act of 1919.[1]

Harbour Board.—The Harbour Board Ordinance (No. 20) consolidates and amends the Harbour Board Ordinances of 1919. The Harbour Board has the power to levy tonnage dues, light dues and shipping fees, within the maximum limits provided by the Ordinance.

Railway Purchase.—The Railways Purchase Ordinance (No. 23) confirms the contract for the purchase by the Government of the railway and all the property of the Demerara Railway Company in the Colony, and authorizes the contract being carried into effect. On completion of the purchase, all the property acquired is vested in the Colony.

X. WEST INDIES.

1. THE BAHAMAS.

[*Contributed by the* Hon. Harcourt Malcolm, O.B.E., K.C., *Speaker.*]

Acts passed—24.

Nassau Harbour Dredging.—The Nassau Harbour Dredging Act (c. 1) authorizes the Governor-in-Council to dredge and deepen the entrance to Nassau Harbour to a depth of not less than 35 feet and to provide a channel and basin of not less than 33 feet within the Harbour. The cost of this work is not to exceed the sum of £250,000. Although this Act authorizes the raising of a loan of £125,000, by The Nassau Harbour Dredging Act, 1922 (c. 23), passed during the same Session, the total expenditure can be made out of current revenue. If debentures are issued they are to be free of any income or other similar tax, present or future.

Aviation.—The Air Service Act (c. 2) authorizes the Governor-in-Council to enter into a contract with the Bermuda and West Atlantic Aviation Company, Limited, for an Air Service between Nassau and Miami, Florida, or some other port in Florida. The annual subsidy is £5,000. In addition, valuable concessions are made to the Company relative to hangars and the importations of certain articles free of duty.

Post Office.—The Post Office Amendment Act (c. 3) repeals s. 53 of the Post Office Act, 1914, which limited the total amount of individual deposits in the Post Office Savings Bank to £200.

Abutments.—The Abutment Building Extension of Time Act (c. 5) extends for ten years the right to build out into the Harbour of Nassau certain abutments lying to the north of Bay Street.

Customs Revenue.—The Revenue Consolidation Amendment Act (c. 6) makes a ship arriving with dutiable cargo on board liable for all expenses incurred in watching and guarding such cargo while the ship is in port.

Wild Birds Protection. The Wild Birds Protection Amendment Act (c. 7) empowers the Governor-in-Council to exempt any portion of the Colony from the Wild Birds Protection Act, 1905.

Maintenance Orders.—The Maintenance Orders (Facilities for Enforce-

[1] See *Review of Legislation*, April 1921, p. 14.

ment) Act (c. 8) provides the machinery for the enforcement in the Colony of maintenance orders made in the United Kingdom and *vice versa*.

Attorney-General.—The Acting Attorney-General's Private Practice Act (c. 9) legalizes the private practice of the Acting Attorney-General between August 1, 1920, and December 14, 1920. This is in consequence of the Attorney-General being deprived of private practice.

Expiring Laws.—The Expiring Laws Continuance Act (c. 10) continues four Acts in force for five years and two Acts for one year.

Tariff.—The Tariff Amendment Act (c. 11) reduces the import duty on ale, beer and stout from 2*s.* 6*d.* to 1*s.* per gallon; on wines from 50 per centum to 25 per centum *ad valorem*; and removes the export duty on sisal and sponge.

Telephones.—The Telephone Improvement Act (c. 12) authorizes a further loan of £6,000 for the extension and improving of the telephone system in New Providence.

Imperial Preference.—The Imperial Preference Act (c. 14) gives a preference of 25 per centum in respect of duties of customs to any part of the British Empire, provided that the Customs Tariff of any such part is on the whole as favourable to the Colony as such preference. The preference does not apply to wines, malt liquors, spirits, spirituous liquors, liquid medicines and articles containing alcohol, tobacco, cigars and cigarettes. This preference is similar to that given under The Canada–West Indies Trade Agreement of 1920,[1] but is only for a period of five years.

Telegraphs.—The Telegraph Department Act (c. 15) reorganizes the telegraph department of the Colony; increases salaries; restricts appointments to British subjects; and places the entire staff more completely under the Governor.

Public Officers' Leave.—The Public Officers' Leave Act (c. 16) consolidates Acts dealing with this subject from 1861 to 1912. The King or the Governor-in-Council is given complete control over leave, both vacation and sick, and also the apportionment of salaries. All acts of a *locum tenens* are validated.

Pensions.—The Pensions Amendment Act (c. 17) makes ward-masters in the Medical Department pensionable.

Private Burial Ground.—The Love and Charity Burial Ground Act (c. 18) enables that Society to inter in a private burial-ground previously approved by the Board of Health.

Debenture Redemption.—The Debenture Act (c. 20) authorizes the paying off out of general revenue of debentures issued under the Telegraph Act, 1891.

Stamp Acts Revival.—The Stamp Act Revival Act (c. 22) revives The Stamp Act, 1911, which expired by effluxion of time on December 18, 1919.

Note.—An Act to make provision for the preparation and publication of a new and revised edition of the Statute Law of the Colony was passed by the Two Houses of the Legislature and has been reserved for the Royal Assent. The Commissioners are: The Honourable Sir Daniel Thomas Tudor, Knight, K.C., Chief Justice of the Colony, and the Honourable Harcourt Gladstone Malcolm, O.B.E., K.C., Speaker of the House of Assembly.

[1] See *Review of Legislation*, August 1922, p. 165

2. JAMAICA.

[*Contributed by* J. E. R. Stephens, Esq., *Acting Judge of the Kingston Court.*]

During the year 1921 some 28 Statutes were passed by the Governor and Legislative Council of Jamaica, 13 of which were short amending Acts of existing Acts, and were of minor importance.

Statute Laws.—One of the most important Statutes was No. 27, being a law to make provision for the preparation and publication of a new and revised edition of the Laws of the Island. The Statutes were revised in the year 1888, but since that date they have been so constantly amended and repealed that at the present time they are in a most deplorable state of confusion.

War Debt.—Another law (No. 4) provides for the payment to the Lords Commissioners of His Majesty's Treasury of the sum of sixty thousand pounds a year for forty years as a contribution from the Island in reduction of the War Debt of the United Kingdom.

Sugar Industry.—Owing to the sugar industry of the Island having been materially damaged by prolonged drought and also by heavy floods, and jeopardized by the withdrawal from several of the owners of factories of financial assistance, it became advisable for the Government to provide assistance for such representatives of the sugar industry as are able to provide adequate security for advances. Therefore the Legislature passed a law (No. 10) empowering the Governor to raise a loan either at one time or in instalments as may be convenient, not exceeding the sum of £400,000, to be used and applied in making loans to owners of land under the provisions of this law and for no other purpose. Such loan may be raised by borrowing the whole or any part thereof from any Bank or Banks carrying on business in the Island. Such loan shall bear interest at the rate not exceeding 7 per centum per annum from the date on which the loan is made, and shall be repayable within fifteen months from that date.

Loans.—Another Act (No. 12) declares the terms and conditions applicable to loans authorized to be raised by the Government of Jamaica and to provide for the creation of inscribed Stock. This law is applicable only to the raising of loans in England, but nothing in this law shall prevent the raising of loans in the Island upon such terms and conditions as shall be specified in any law authorizing the raising of such loans. This Act repeals the following laws: Nos. 7 of 1879, 13 of 1885, 17 of 1890, 11 of 1891, 6 of 1893, 1 of 1921. Also so much of the laws mentioned in the Schedule to this law as provide for and relate to the issue of debentures in England under the provisions thereof are hereby repealed.

Act 13 is a law to provide for raising temporary loans not exceeding £250,000 on Treasury Bills.

Judicature.—Law 16 amends the Judicature Law, 1919. It provides that in any case in which an appeal shall lie to the Full Court from any judgment or decisions of a single Judge of the Supreme Court sitting as a Court of first instance in civil proceedings, the Judge from whose judgment or decision the appeal is made shall not sit upon the hearing of the appeal, but his place shall be taken by the Judge of the Kingston Court, who while so sitting in the Full Court shall have all the rights and powers but not

otherwise of a Judge of the Supreme Court, and such shall rank after the Junior Member of the Court. The Judge of the Kingston Court shall be a Member of the Bar of England, Ireland, Scotland or Jamaica of at least seven years' standing and shall hold office during His Majesty's pleasure, and shall not be removed from office except in accordance with His Majesty's pleasure signified under His Sign Manual.

Fire Insurance.—Law 17 is a law to provide for the creation and application of a fund to be called the Fire Insurance Fund. By it the Governor is authorized to direct transference of certain amounts to an Insurance Fund not exceeding £200,000 to be devoted to making good extraordinary expenditure incurred, or loss sustained by the Government through the occurrence of any earthquake, hurricane, drought, fire or other public calamity.

Indictments.—Act 18 is a law to amend the law relating to indictments in criminal cases. It provides that every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offences with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge. Subject to the provisions of the rules, charges for more than one felony or for more than one misdemeanour, and charges for both felonies and misdemeanours, may be joined in the same indictment, but where a felony is tried together with any misdemeanour, the jury shall be sworn and the person accused shall have the same right of challenging jurors as if all the offences charged in the indictment were felonies. Where it appears to the Court either before trial or at any stage of a trial that the indictment is defective, the Court shall make such order for the amendment of the indictment as the Court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice. Where, before trial, or at any stage of a trial, the Court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the Court may order a separate trial of any count or counts of such indictment.

Pensions.—A Law (No. 20) to amend the Civil Service Widows' and Orphans' Pension Law, 1904 provides that upon being satisfied that a Public Officer appointed to the Civil Service of Jamaica from another Colony, in which a fund is provided for pensions for widows and orphans of Civil Servants, desires to continue to contribute in such Colony on the basis of the salary he receives in respect of the office to which he has been promoted in Jamaica, the Comptroller may recommend to the Governor, upon the application of such officer, that neither while such officer contributes to the fund in the Colony from which he has been appointed to the Civil Service of Jamaica, nor after the completion of the term of his contribution to such fund, shall the provisions of the Principal Law extend or apply to such officer.

Import Duty.—By Law 23, in lieu of the exemption from import duty of provisions, wines, spirits and malt liquors imported for the use of the Military Staff and Regimental Messes in the Island, there shall be granted to the Officers, Non-Commissioned Officers and men of His Majesty's Army serving in Jamaica, graduated pecuniary allowances

from the Treasury of the Island. The allowance may continue to be drawn by such Officers temporarily absent from the Island on special duty for any period not exceeding two months, but not when on leave of absence out of the Island.

Marriage—The Deceased Wife's Sister Marriage Law was amended by Act 24, giving power for a widow to marry her deceased husband's brother.

Fruit.—Act 25 provides for the inspection of fruit intended for exportation, so as to prevent the exportation of immature and unfit fruit. The expression " Fruit " means bananas and citrus fruits and any fruit which the Governor in Privy Council may declare to be fruit for the purposes of this law. Any person committing any offence under this law is liable on summary conviction before a Resident Magistrate to a fine not exceeding £100, and in default of payment to imprisonment with or without hard labour for any period not exceeding six months.

3. WINDWARD ISLANDS.

(i) Saint Lucia.

[*Contributed by the* Hon. J. E. M. Salmon.]

Ordinances passed—17.

Court Fees.—The Royal Court Amendment Ordinance (No. 4) provides new tariffs of fees as follows: (*a*) fees payable to the Registrar of the Royal Court (first schedule), (*b*) fees payable to the Registrar of Deeds and Mortgages (second schedule), (*c*) compensation for the expenses of express or special journeys by the Court bailiffs (third schedule), (*d*) fees payable to the Sheriff (fourth schedule).

Firearms.—The Firearms Ordinance (No. 15) which relates to firearms and ammunition provides for: the licensing of firearms and ammunition (s. 3), personal licences (ss. 4–8), dealers' and gunsmiths' licences (ss. 9–15), estate gun licences (ss. 16, 17), powers of search (s. 18), offences and procedure (ss. 19–22), grant and revocation of licences (ss. 23, 24), powers of Governor-in-Council (ss. 25–29), miscellaneous matters (antique firearms, notice of disposal of firearms or ammunition, delivery from customs).

Intoxicating Liquor.—The Liquor Licence Ordinance (No. 16) consolidates previous legislation. It provides for disposal without licence (s. 3), licences (application, particulars, refusal, suspension or revocation) (ss. 4–7), hotel, refreshment house and occasional licences (s. 8), military canteens (s. 11), closing hours (ss. 12–19), disposal of liquor to, or employment of, minors (ss. 20, 21), transfer, removal or renewal of licence (ss. 22–26), unauthorized internal communications, entrance and alterations in cases of licensed premises (ss. 27, 28), liability of licence-holder with others (s. 29), proceedings against licence-holder without the Colony (s. 30), powers of entry, inspection and seizure (ss. 31–33), conditional release of thing seized (s. 34), claims and forfeitures in cases of seizure (ss. 35, 36), sales of forfeitures (ss. 37, 38), stock book, permits and supervision of licensed premises (ss. 39–41), permit for spirits by one dealer to another (s. 42), strength of spirits (s. 43), disposal from vessel or bond (s. 44), contraventions by licensee (s. 45), bribes to revenue officers (s. 46), perjury (s. 47), prosecution, penalties, mitigation and remission (ss. 48–51), evidence

and onus of proof (ss. 52–58), protection of officers and others (ss. 59–62), power to make regulations as to licences, fees and conditions of permits, and generally to give effect to the objects and purposes of the ordinance.

Judgments and Orders.—The Maintenance Orders (Facilities for Enforcement) Ordinance (No. 7) provides for the enforcement in this colony of maintenance orders made in England and Ireland and *vice versa*—i.e. orders (other than an order of affiliation) for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made. "Dependants" are such persons as the person against whom the maintenance order was made, according to the law in force in the place in which the maintenance order was made, is liable to maintain.

Medical.—The Medical Registration Amendment Ordinance (No. 14) amends No. 72 of the 1916 Revision by the addition of a proviso empowering "the Chief of Police, or any police constable appointed by him in writing to enter into the shop or premises of any druggist and to inspect the register of sale of poisons kept by the said druggist," and provides a penalty of £5 for refusal of admittance or obstruction or molestation in making the inspection.

Revenue.—The Customs Duties Ordinance (No. 11) repeals previous ordinances on the subject and makes provision for the levying of customs duties on imported goods (s. 2), for exemption from duty (s. 3), ad valorem duties (ss. 4, 5), specific duty on specific quantity packages (s. 6), liability to higher rates (s. 7), spirits, wines and malt liquors (ss. 8, 9), drawbacks and repayments (ss. 10, 11), prohibition as to tobacco (s. 12), imports for temporary use (s. 13), moneys, weights and measures (s. 14), tariffs (s. 15), obligations for payment of duties (s. 16).

Customs and Excise Duties (Resolution) Amendment Ordinance (No. 13) amends s. 2 of No. 112 of the 1916 Revision, substituting provisions as to the refund or collection of duty on the confirmation or non-confirmation by an ordinance of a resolution of the legislature imposing duties.

Export Duties Amendment Ordinance (No. 2) repeals the *Nota Benes* in the schedule to the Export Duties Amendment Ordinance, 1920, relating to vacuum pan and muscovado sugars, fancy molasses and cocoa.

Export Duties Amendment Ordinance (No. 3), which is to be construed as one with No. 113, 1916 Revision and the Export Duties Ordinance, 1920, provides for the determination of the value of produce liable to export duty—i.e. sugar, fancy molasses, syrup or other produce.

Income Tax Amendment Ordinance (No. 6) gives relief in respect of income tax paid in the United Kingdom and protects a person who makes disclosures in order to enable the relief to be estimated.

Stamp Duty (Amendment) Ordinance (No. 5) increases the duty in respect of a conveyance or transfer on sale of any property and on copies of final judgments in the District Court.

Undesirables.—The Undesirable Persons Expulsion Ordinance (No. 8) provides for the making of expulsion orders by the Governor for appeals against expulsion orders to the Royal Court, for offences for disobeying expulsion orders or otherwise. The Ordinance is not to be construed as imposing any restriction or disability on any consul or vice-consul of any foreign state, and its provisions are to be in addition to and not in derogation of the provisions made under the authority of a Royal Order in Council. By s. 2 an expulsion order may be made by the Governor

against an alien or a British subject in the cases specified in the section. The Governor is also empowered to make an expulsion order authorizing arrest and deportation (s. 4) and to make an expulsion order in anticipation of the arrival in the Colony of an undesirable person (s. 5). The Governor also has power to revoke or suspend an expulsion order. There are also provisions governing the expenses of expulsion orders, protection to persons acting under the ordinance and the validity of the Governor's orders.

(ii) Saint Vincent.

[*Contributed by* L. C. Levy, Esq., *Attorney-General.*]

Ordinances passed—42.

The following are the more important Ordinances of interest outside the Colony:

Agriculture.—The Agricultural Advances Ordinance (No. 22) is intended to facilitate the procuring of advances of money and supplies for agricultural purposes.

Advances made under the Ordinance are secured by an agricultural lien, which becomes a first charge on the current year's crops of the debtor and a charge in preference to all other charges subsequently created on the debtor's land.

Applications for advances are made to the Judge in Chambers, and prior encumbrancers if any must be served with notice to attend at the hearing. The applicant must furnish a certificate from the Registrar showing what mortgages and liens (if any) are existing on the property or crops in respect of which the application is made.

The creditor has the right to enter and inspect the debtor's cultivation, and in the event of the cultivation being neglected the Court may authorize the creditor or some other person to enter, cultivate, reap, manufacture and sell the crops for the benefit of all interested persons.

The debtor is required to keep an account of the moneys advanced to him and the application thereof, and to furnish an account to the creditor if required at the end of any quarter.

Any debtor who misapplies moneys advanced or supplies furnished on agricultural lien is liable on summary conviction to a penalty not exceeding £100 or on conviction on indictment to imprisonment for five years.

Census.—The Census Ordinance (No. 5) provides for the taking of a census from time to time. The Governor-in-Council is given power by Order-in-Council to direct a census to be taken and to make regulations for the purpose. The Ordinance is modelled on the Census Act, 1920.

Education.—The Scholarship Ordinance (No. 41) provides for the biennial grant of a scholarship open to public competition. The scholarship is awarded on the results of an examination, in which the successful candidate must have attained a prescribed standard. The scholarship is of the annual value of £250 and is tenable for not less than three and not more than five years at any University in Europe, Canada or the United States approved by the Governor-in-Council.

Escheat.—The Escheat Ordinance (No. 39) applies the law of escheat to incorporeal hereditaments and equitable estates, following s. 4 of the Intestate Estates Act, 1884. The Ordinance also revises the proceedings

in Escheat, which are assimilated to those in an action for the recovery of land.

Proceedings are to be commenced by the issue of a writ on the fiat of the Attorney-General. Any person named in the writ may defend, also any other person by leave of the Court. The ordinary practice of the Court is followed as to the granting of a new trial, appeals and otherwise, except that any person, whether he has appeared as defendant or not, may at any time within twelve months after judgment move the Court for a new trial. After twelve months the Attorney-General may move for final judgment for the Crown. Sect. 17 gives power to the Governor to authorize the waiver of the rights of the Crown upon an intestacy to anyone claiming the same on equitable or moral grounds and to convey the same to such person. The grantee cannot confer title in respect of such estate until the lapse of seven years from the date of the conveyance, within which time any person may commence proceedings to establish title.

The Ordinance adopts the definition of intestacy given in s. 7 of the Intestate Estates Act, 1884.

Friendly Societies.—The Friendly Societies Ordinance (No. 17) repeals the Friendly Societies Act of 1843, which was probably based upon 10 Geo. IV, c. 56, and 4 & 5 Will. IV, c. 40, and makes new provisions for the registration, control and management of Friendly Societies.

The Ordinance provides for much more supervision and control than formerly existed, and contains the following provisions:

(1) The Rules of new Societies must contain provisions in respect of the several matters which are set out in the First Schedule.

(2) A Society must once in each year submit its accounts to a public auditor.

(3) The Registrar may appoint a person to inspect and report on the books of the Society.

(4) The Registrar may suspend or cancel the registry of a Society.

(5) A Society must make a return annually (*a*) of the number of its members and investments, and (*b*) of its receipts and expenditure, funds and effects.

With regard to the management of Societies the Ordinance provides that Societies shall:

(1) Keep their accounts in the prescribed books.

(2) Invest their funds in the prescribed manner.

(3) Require such of its officers as have the receipt or charge of money to give security.

Certain privileges are accorded to Registered Societies, and the Registrar is authorized to settle disputes.

Judicature.—The Maintenance Orders (Facilities for Enforcement) Ordinance (No. 16) provides for the reciprocal enforcement of maintenance orders made in England or Ireland and in this Colony as contemplated by s. 12 of the Maintenance Orders (Facilities for Enforcement) Act, 1920. Sect. 5 gives a local Magistrate power to make a provisional order of maintenance against persons resident in England or Ireland; such an order has no effect until confirmed by a competent court in England or Ireland.

Sect. 6 provides for the confirmation by a Magistrate of a provisional order made in England or Ireland. An amending Ordinance (No. 42) extends these provisions to maintenance orders made in other Colonies which have made reciprocal provisions. Practically all the West Indian Colonies have entered into reciprocal relations for the purpose.

The British Judgments (Enforcement) Ordinance (No. 35) is of a similar character, and provides for the enforcement in the Colony of judgments obtained in a superior Court in the United Kingdom. In consequence of this enactment Part II of the Administration of Justice Act, 1920, was extended to the Colony.

Sect. 6 of the Ordinance provides for the extension of the Ordinance to judgments obtained in a superior Court in any Colony or Protectorate which makes similar provisions of reciprocity. The Ordinance now extends to several Colonies.

Rules of the Supreme Court made on September 2, 1922, govern the practice and procedure in respect of proceedings under the Ordinance.

Partnership.—The Partnership Ordinance (No. 38) adopts the provisions of the Partnership Act, 1890, and repeals the Partnership Act, 1874 (No. 336), which was adopted from the Partnership Act, 1869, commonly known as Bovill's Act.

A partner making any actual advance beyond the amount of capital which he has agreed to subscribe is entitled to interest at 6 per cent. instead of at 5 per cent. under the English Act.

Shop Hours.—The Shop Hours Ordinance (No. 8) provides that the Governor-in-Council may make regulations fixing the hours during which all shops or shops of any specified class may be open for serving customers. By these regulations the Governor-in-Council may exempt shops below a specified rental value, and may permit a shop to be opened for any purpose specified in the Regulations.

Tonnage Dues.—The Tonnage Dues Ordinance (No. 6) as amended by Ordinance (No. 34) imposes cargo tonnage dues on all ships except sailing ships entering or clearing from any port in the Colony. "Cargo tonnage dues" is defined to mean a duty of one shilling and sixpence per ton of forty cubic feet in bulk of cargo. The dues are payable by the agent, master or consignee of the ship. For evasion of or refusal or wilful neglect to pay the dues the agent, master or consignee is liable to a penalty not exceeding £50 and in default to imprisonment not exceeding six months.

Undesirable Persons.—The Undesirable Persons Expulsion Ordinance (No. 37) provides for the expulsion of undesirable persons from the Colony in certain circumstances. The Ordinance confers upon the Governor the power to make an expulsion order, and Section 2 of the Ordinance prescribes the cases in which an order may be made.

The power to make an expulsion order is not as wide in the case of a British subject as it is in the case of an alien. Sect. 2 (*d*), which enables the Governor to make an expulsion order if he deems it expedient for the peace and good order of the Colony, does not apply to a British subject with two years' residence. An order may be made against any alien who has committed any offence punishable with imprisonment without the option of a fine; whilst in the case of a British subject an order will be made only when he has been guilty of sedition or other offence of a like nature.

4. TRINIDAD AND TOBAGO.

[*Contributed by the* HON. THE ATTORNEY-GENERAL.]

70 Ordinances were passed in 1921.

Maintenance.—The Maintenance Orders (Facilities for Enforcement) Ordinances (Nos. 3 and 44) provide the reciprocal legislation contemplated by s. 12 of the Imperial Act, 10 & 11 Geo. V, c. 33. The Ordinance may be extended to maintenance orders made in any other British possession.

Corrupt Practices.—The Prevention of Corruption Ordinance (No. 5) adapts the provisions of the following English Acts relating to corrupt practices: the Public Bodies Corrupt Practices Act, 1889, the Prevention of Corruption Act, 1906, and the Prevention of Corruption Act, 1916.

Aliens Landholding.—The Aliens (Landholding Regulation) Ordinance (No. 36) provides that, with certain exceptions, aliens and companies under alien control may not hold land or any interest in or mortgage on land in this Colony except with the licence of the Governor. Land held by an unlicensed alien is liable to forfeiture. The Ordinance does not apply to subjects of foreign States upon whom there has been conferred by treaty the right to hold land in the Colony, or to the estate or interest of an alien in land held by him when the Ordinance came into operation, nor to land not exceeding five acres in area held on an annual tenancy for the purposes of residence, trade or business. Aliens who acquire land under a will or intestacy are allowed a year to dispose of the land or obtain a licence. The Governor is empowered to grant licences to aliens to be directors of, to hold shares in and to vote at meetings of a company. No person may, without the Governor's licence, hold any land in the Colony or mortgage thereon or any shares or debentures of any Company incorporated in the Colony in trust for an alien.

Enforcement of Judgments.—The Judgments Extension Ordinance (No. 50) adapts to local conditions Part II of the Administration of Justice Act, 1920, of the Imperial Parliament.

Plantation Advances.—No. 66 provides for advances from public funds to plantation owners to enable them to maintain their cultivation during the period of depression.

Habitual Criminals.—The Detention of Habitual Criminals Ordinance (No. 1) introduces in a modified form the provisions of Part II of the Prevention of Crime Act, 1908,[1] of the Imperial Parliament.

Slaughter of Cattle.—The Slaughter of Cattle (Restriction) Ordinance (No. 6) makes it an offence to slaughter a heifer under the age of two years.

Summary Jurisdiction.—The Summary Jurisdiction (Time for Payment) Ordinance (No. 10) adapts ss. 1 to 5 of the Criminal Justice Administration Act, 1914, of the Imperial Parliament.

Wills and Probate.—The Wills and Probate Ordinance (No. 18) consolidates the law relating to the execution of wills and the granting of probate and letters of administration. Improvements on minor points of practice have been introduced, and the obtaining of letters of administration and probate of wills in the case of small estates not exceeding in value £100 has been cheapened by limiting the fees payable and by providing that district delegates and registrars shall fill up the necessary forms and papers free of charge.

[1] See *Review of Legislation*, New Series, vol. x, No. xxii, 1910, p. 297.

Summary Convictions.—The Summary Convictions (Offences) Amendment) Ordinance (No. 47) creates the offence, punishable by a fine not exceeding £20, of giving a false alarm of fire.

Venereal Disease.—The Venereal Disease Ordinance (No. 52) authorizes the Governor in Executive Council, when gratuitous treatment of diseased persons is provided for in any area to order that s. 4 be in operation in such area. Sect. 4 provides that no person, other than a duly qualified medical practitioner, shall for reward treat anyone for venereal disease, or prescribe any remedy therefor or give any advice in connexion therewith. Sect. 5 prohibits advertisements relating to remedies for venereal disease.

Statute Law Revision.—The Statute Law Revision Ordinance (No. 19) provides for the appointment of a Commissioner to prepare a revised edition of the laws of the Colony.

Constabulary.—The Constabulary Ordinance (No. 30) makes it unlawful for any member of the Constabulary Force to be a member of a Friendly Society or Trade Union.

Hours of Work.—The Hours of Employment (Limitation) Ordinance (No. 34) enables the Governor in Executive Council to make orders limiting the number of hours in which persons may be kept at work in shops and other places of business.

XI. MEDITERRANEAN COLONIES.

1. GIBRALTAR.

[*Contributed by the* Hon. Capt. Maxwell Anderson, C.B.E., K.C., R.N. (ret.), *Attorney-General.*]

Thirteen Ordinances were enacted during the year 1921. Important legislation is to be found in three Ordinances (Nos. 6, 8 and 9) which are the reciprocal legislation required to take advantage of the Imperial enactments relating to (*a*) Maintenance Orders (Facilities for Enforcement) and (*b*) Reciprocal Enforcement of Judgments. In the case of (*a*) reciprocity is provided between Gibraltar, on the one hand, and England and Ireland on the other, whereas (*b*) provides for reciprocity also between Gibraltar and other parts of His Majesty's Dominions. At present, however, the wider powers have not been exercised, and reciprocity is in force only between Gibraltar and the United Kingdom.

Judicature.—Two other Ordinances are of importance, namely, Nos. 3 and 10. The first of these is the Supreme Court (Attachment) Ordinance which was passed to grant an additional remedy to a creditor by giving the Court power at any time after an action has been instituted to attach in the hands of a third party the goods in Gibraltar of a debtor out of the jurisdiction. The important section of the Ordinance (s. 8) enables proceedings to be carried through to judgment in cases where the defendant, after the money, goods or chattels have been attached by order of Court, does not enter an appearance to the writ taken out and it is impossible to effect service on him out of the jurisdiction. This legislation has solved the difficult question which constantly arises on a frontier, and is proving a boon to local merchants.

Municipal Affairs.—Ordinance No. 10 is the City Council Ordinance which abolishes the old Board of Sanitary Commissioners, and, for the first time in its history, gives the people of Gibraltar a voice in the administration of municipal affairs through popularly elected representatives. The old Board consisted of nine members, four of whom were appointed to represent the Colonial Government (2), the Admiralty and the War Office, and another four were chosen by the Governor from a panel presented by the Grand Jury, two retiring annually. The ninth member was the Principal Medical Officer of the Troops. Under the new constitution the City Council consists of nine members, three of whom are appointed to represent the Colonial Government, the Admiralty and the War Office. Four are elected by popular vote (adult suffrage being granted to all British male subjects other than troops in the Colony). These members are elected for three years. The remaining two members are nominated by the Governor to serve for a period of three years, the idea being to redress any anomaly of the election and to ensure that all classes are represented in the Council. The Ordinance is a long one of 61 sections and 7 schedules, and provides for the method of election, offences in connexion with the ballot, and the prevention of corrupt practices.

The remaining legislation of the year is of minor or purely local importance. No. 1 deals with the audit of accounts under the Deeds of Arrangement Ordinance, 1917. No. 2 was a small amendment of the Stamp Ordinance, 1882. No. 4 dealt with the duty on tobacco ; No. 5 with the control of hackney carriages ; while No. 7 gave the City Council increased powers in the making of by-laws. No. 11 was an amendment of the Titles to Lands Consolidation Order-in-Council providing that if a written instrument be an order of Court the original of which is retained by the Court, a certified office copy thereof shall be deemed the original instrument. This amendment was made to remove doubts which had arisen in regard to certain properties and was retrospective in effect.

Ordinance No. 12 was an amendment of the Savings Bank Ordinance, 1889, while No. 13 provided for the establishment of a local clearing office to carry out the provisions of the Treaty of Peace Order-in-Council (Hungary), 1921.

2. CYPRUS.

[It is hoped to publish the Summary of Legislation in the next Review.]

XII. PALESTINE.

[*Contributed by* NORMAN BENTWICH, ESQ., *Attorney-General.*]

The Order-in-Council providing for the Constitution of Palestine and the establishment of a Legislative Council was not issued till August 1922 ; and, during the year under review, the law-making authority remained in the High Commissioner, who consulted the Advisory Council concerning new Ordinances. There was a large output of legislation during the year, because on many important subjects the Ottoman Law was found to be altogether wanting or seriously defective.

Revenue.—The Foreign Imports Additional Duty Ordinance provides for the repeal of the sections of the Ottoman Law of Municipal Taxation

which prescribe the collection of local octroi ; and in place thereof secures revenue for municipalities by imposing in addition to the customs and excise duties a tax of 1 per cent. *ad valorem* on all articles imported except raw alcohol, petrol and other inflammable liquids, and wines, spirits and intoxicating liquors, on which the additional duty is 2 per cent. The proceeds of the duty are paid over to the several municipalities in proportion determined by the High Commissioner, regard being had to the amount which was received previously from the octroi duties.

The Tobacco Taxation Ordinance provides for the suspension of the rights granted by the Ottoman Government to the Tobacco Régie which gave that Company a monopoly for the production and sale of tobacco throughout the Ottoman Empire. The cultivation and manufacture of tobacco are freely permitted in Palestine, subject to an excise duty ; and fresh taxation is introduced in place of that enforced under the Régie monopoly upon tobacco and tombac imported into the country.

The Excise duty is fixed at the rate of £E2 per dunam of land sown with native and £E4 per dunam sown with Turkish tobacco. (A dunam is about one-fifth of an acre). The rates were subsequently reduced. The Ordinance provides for an additional import duty for the benefit of municipalities, at the rate of P.T. 2 per kilogram on all tobacco and cigarettes, etc., imported into Palestine.

Animals.—The Animals Import and Export Ordinance provides for the application in Palestine of the international conventions concerning measures to be taken to prevent the spread of diseases of animals. S. 1 prescribes that animals shall be exported or imported only at certain ports or places appointed by the Director of Agriculture where they shall be previously brought for inspection to an animal quarantine station. S. 2 empowers the Director of Agriculture by Public Notice to declare that any country is to be deemed to be infected with a contagious disease of animals, and to prohibit the importation of animals from such country. S. 3 empowers him to make regulations concerning the ports or places through which animals may be exported from or imported into Palestine, the establishment of quarantine stations, the periods during which animals are to be kept under observation, the inspection, disinfection, etc., of animals imported or exported and the slaughter of animals suffering from disease, the rates of compensation to be paid to the owners of such animals and the measures to be taken for disinfection. S. 6 provides for the recovery of the cost of disinfecting ships or vehicles used for the transport of animals, and s. 8 prescribes penalties for any offence under the Ordinance.

Commissions of Inquiry.—The Commissions of Inquiry Ordinance empowers the High Commissioner to appoint commissions of the nature of Royal Commissions in England, with powers to take evidence on oath and to summon any witnesses and call for documents. The immediate cause of the issue of the Ordinance was the appointment of the Commission to inquire into the affairs of the Orthodox Patriarchate of Jerusalem, which had fallen during the War into a financial situation of grave difficulty.

The Commission appointed recommended the passing of an Ordinance to facilitate the liquidation of the debts of the Patriarchate ; and this measure was passed under the title of the Orthodox Patriarchate Ordinance. It provides in s. 3, in order to put an end to the deadlock which had arisen owing to certain dissensions in the Holy Synod of the Patriarchate, that the Synod, composed of the Patriarch and the members

of the Synod who obeyed his summons to attend a meeting in May 1921, should exercise all the powers conferred by the organic law upon the Synod of the Patriarchate.

In order to assist the Patriarchate to meet its present embarrassments a Commission on the finances of the Patriarchate is established, with the consent of the Patriarch, for the purpose of liquidating the financial affairs.

S. 5 invests the Commission with legal personality, and provides that it shall consist of five persons, one of whom is appointed after consultation with the Patriarchate, and one after consultation with the lay Orthodox Community.

S. 6 sets out the duties of the Commission, to liquidate the debts, to supply the moneys necessary for the current expenses of the Patriarchate, to establish a balance in the annual accounts, to render to the Patriarchate such advice and assistance as are required, to prepare a register of the immovable property of the Patriarchate, and, as soon as practicable, to allot a sum each year to the Mixed Council for the benefit of the lay Community.

S. 7 empowers the Commission to pay the debts, to sell any immovable property, subject to the provision that where the sale is of property within the walls of Jerusalem or would involve the closing of any Institution dependent on the Patriarchate, or is of any property attached to any Monastery, it shall not take place without the special authorization of the Patriarchate and the Synod. The Commission has also power to contract loans, to compromise or settle any debt, to require debtors to the Patriarchate to pay their debt to the Commission, to control all the revenues of the Patriarchate, in consultation with the financial authorities to regulate the annual budget, to inspect any immovable or movable property, and generally to exercise on behalf of the Patriarchate all the powers which the Patriarchate could have exercised on its own behalf.

No loan or other contract affecting the property of the Patriarchate is valid during the continuance of the Commission unless made with its express authority ; and the Commission is given power to ratify and adopt any contract entered into by or on behalf of the Patriarchate before it assumed its duties. The Commission is appointed for a period of two years and may be renewed for a further two years by order of the High Commissioner.

Town Planning Ordinance.—This Ordinance, which is based on the English and Indian town-planning legislation, provides machinery to secure the orderly planning of towns and to control the erection of buildings, the laying out of streets in urban areas in the interests of public health, the amenity of the neighbourhood, and the general welfare of the Community. A Central Building and Town Planning Commission appointed by the High Commissioner is constituted, and in each area which is declared a town-planning area a special Local Building and Town Planning Commission is established, composed of the District Governor, two persons nominated by the Municipality, two persons nominated by the Central Commission, and the Municipal Engineer and Public Health Officer. The Local Commission is declared to be a Committee of the Municipality, and takes over all the powers of the Municipality in regard to the grant of building permits, the laying out of streets, etc.

Part II of the Ordinance provides for the preparation and contents of a scheme of town-planning, when the Central Commission is of the

opinion that the whole or any part of a Town-Planning Area is ripe for development or requires reconstruction. A town-planning scheme must contain particulars of the area of ownership of each plot affected by the scheme, the purposes for which the plots are to be appropriated, the extent to which it is proposed to alter boundaries, an estimate of the net cost of the scheme, a statement of the property to be expropriated and the purpose of the expropriation, with the condition that no building or site which is in use for a religious purpose or which is regarded with special religious veneration shall be expropriated. Provision is made for publication of the scheme, for hearing objections in respect to it made by any land-owner or body interested, and for the final approval and promulgation of the scheme.

Part III deals with the acquisition of land for a scheme and lays down an original regulation for fixing the rate of compensation. The price to be paid, in default of agreement, is to be the market value of the land estimated at the rate immediately prior to the outbreak of war with Turkey, plus a sum which cannot in any case exceed 100 per cent. of the pre-war value. The Municipality or the Central Commission may at their option agree with the owner of land expropriated to give him other land in exchange in full or partial settlement of his claim. Land taken for roads in an area hitherto undeveloped for town-planning purposes may be expropriated without compensation, provided that the owner of the land is left with a sufficient area abutting on the road for the construction of a dwelling-house or other building. The payment of the expropriation price may be suspended, with the condition that pending payment the owner remains in occupation and is entitled to interest at the rate of 4 per cent. per annum on the price during the period in which the completion of the expropriation proceedings is delayed.

Dwelling-houses which are expropriated for the purpose of demolition are not to be evacuated until suitable accommodation for all residents is available within the Municipal Area.

Part IV contains the financial provisions. The cost of a town-planning scheme is to be met wholly or in part by a contribution levied by the Local Commission on all owners of property which shall have increased in value by reason of the preparation, making or execution of the scheme. The betterment tax is half the amount of the increase in value. Compensation may be given for injury caused by a scheme, but there is provision that no compensation shall be due on account of a provision which prescribes the space about buildings to be erected or the height or character of the building, nor in respect of the prohibition against building on any land affected by the scheme, unless the owner of land can prove either that he has begun building operations before the publication of the scheme, or made preparations or entered into contracts for building, or that he bought the land with the express intention of building thereon at some date not more than 10 years prior to the issue of a scheme, and has been prevented from building by circumstances beyond his control.

Police.—The Police Ordinance provides for the organization and discipline of the Police Force. S. 4 centralizes the administration under a Director of Public Security, and provides that in each District the administration of the Police shall, subject to the general control and direction of the Governor of the District, be vested in a District Police Commandant. S. 5 provides for Courts of Discipline to be composed of three commissioned officers of the Police or senior officials of the Govern-

ment who can impose penalties for grave offences and dereliction of duty up to three months' imprisonment. Ss. 14 and 15 provide for the proclamation of areas as disturbed areas and the quartering in such areas of additional police at the expense of the inhabitants, and the payment of compensation to the victims of any riot occurring in such area by the inhabitants responsible. S. 17 empowers the enrolment of special constables, who are to have the functions of the ordinary police. It is an offence to refuse when called upon to serve as a special constable. Other sections of the Ordinance provide for regulation of public assemblies and processions by the District Police Officers and for the powers of Police on the public highway.

The Police Ordinance was supplemented by an enactment providing for the establishment of a special force of Gendarmerie which is not engaged upon ordinary Police duties, but which is employed for the prevention of raids and disturbances. The Gendarmerie is under the control of the Director of Public Security, and its members are enrolled as members of the Police Force ; but the powers of Councils of Discipline in respect to offences committed by Gendarmes are larger than those of such Councils for other members of the Police Force. For the more serious offences the Council of Discipline can impose a sentence up to imprisonment for five years.

Another Ordinance provides for the establishment of a force of Village Ghaffirs or watchmen. Any village or group of villages can apply to the Governor of a District for the appointment of ghaffirs. The Governor then summons a great meeting of all the inhabitants for the purpose of appointing the ghaffirs. The wages are apportioned by a Village Commission consisting of the headmen among the inhabitants in proportion to the amount of their property. The assessment is recoverable in the same manner as municipal taxes. The ghaffir is under the orders of the headmen of the village, but has the powers of a police-constable within the village, and is subject to the inspection and control of the District Commandant of Police.

Prisons.—It was found necessary to pass an enactment for the administration of prisons and the discipline of prisoners, subjects which were almost entirely disregarded by the Ottoman Government. The prisons are under the control of the Director of Public Security, who is given power to make regulations with reference to the classification and registration of prisoners, their identification, their diet and clothing, the labour upon which different classes of prisoners shall be employed, the separation of male and female prisoners, the special treatment of prisoners whose habits of life make different treatment necessary, etc. The powers of punishment to be exercised by the Superintendent of the Prison are clearly defined ; it is provided that no sentence of corporal punishment can be inflicted except by order of the District Governor.

Courts.—(1) *Municipal Courts.* The Ottoman Law of Municipalities provided that contraventions of municipal regulations might be judged by members of the Municipality. This provision was suspended under the Military Administration, which required all such contraventions to be tried by the Civil Magistrate. It was found desirable, however, to institute in the larger cities of Palestine benches of honorary magistrates with powers to try petty offences committed within the municipal area. The Ordinance provides that the High Commissioner may appoint by warrant in such places as he thinks fit citizens of education and standing

to be honorary magistrates. A bench consists of not less than three members and decides by a majority of voices. The Court can try any contravention punishable with not more than 15 days' imprisonment or a fine of £E5. An application for revision of a judgment lies from the Municipal Court to the District Court.

(2) *Land Courts.*—During the Military Administration the Civil Courts were prohibited from dealing with any action concerning the ownership of land. The Ordinance provides for the establishment of special Land Courts for the purpose of carrying out a land settlement and for dealing with suits of ownership. The Court has power to call for and record any claims to rights in land, to give a decision as to boundaries, to decide upon any dispute arising out of partition and generally to hear any action concerning title to land. An appeal lies from its judgment to the Court of Appeal. The Court is to apply the Ottoman Law in force at the date of the British Occupation as amended by any Ordinances or Rules of Court, but it is provided that the Court shall have regard to equitable as well as to legal rights to land, and shall not be bound by any Rule of the Ottoman Law prohibiting the Courts from hearing actions based on unregistered documents.

Courts established under the Ordinance are composed of a British President and a Palestine member with power to call in a second member in case of disagreement.

Criminal Law.—(1) The Prevention of Crimes Additional Powers Ordinance (No. 2) amends the original Prevention of Crimes Ordinance which provided for the binding over of persons suspected of inciting a breach of the peace or of criminal conduct. It empowers the Governor of the District or President of a District Court where a person is brought up on a charge of being a suspected person to place him under police supervision in addition to requiring him to give security for good behaviour.

(2) The Collective Responsibility for Crime Ordinance provides for the payment of compensation for damage to and loss of property caused by persons unknown at the expense of the inhabitants of the area within which the property is situated. Application is made to the District Court by a petition which can only be filed after the consent of the Governor of the District has been obtained. The District Court hears the evidence of the petitioner and of the inhabitants from whom the compensation is claimed, and where it finds it reasonable to order compensation to be paid by the village or area it assesses the compensation and makes an order. Claims may be made under the Ordinance by the Government or by the Army on account of damage to or destruction or loss of Government or military property.

Land.—The Transfer of Land Ordinance (No. 2) removes the prohibition imposed by the original Ordinance (passed in 1920) against the sale of immovable property in execution of a judgment or in satisfaction of a mortgage. It permits such sale where the President of a District Court is satisfied that it can be ordered without involving undue hardship upon the debtor. The President may order postponement of the sale if he is satisfied that the debtor has reasonable prospects of payment if given time.

Another amendment of the Transfer of Land Ordinance cancels the restrictions on transfers made by the original Ordinance with a view to preventing speculation in land. The restrictions on sale of urban land

were unpopular and are abolished ; but the provision in the case of agricultural land that the Director of Land Registries before consenting to a sale must be satisfied that the tenant in occupation will retain sufficient land for the maintenance of himself and his family is maintained in force.

Local Government.—The Local Councils Ordinance provides that the High Commissioner may declare that a large village shall be administered by a Local Council which shall have the power of levying rates on the property of the village and imposing certain fees prescribed in the Municipal Tax Ordinance. In the same way a Local Council with similar powers may be constituted in a quarter of a town which is distinguished by its needs and character from the rest of the Municipal area, provided the agreement of the Municipality has been obtained. Any disagreement between a Local Council and a Municipality is referred to the decision of the District Governor. The Local Council is constituted as a juristic person and is entitled to make contracts, to hold, acquire and dispose of immovable property, to bring and defend actions and to raise a loan secured on the properties and revenue of the Council. It may also issue by-laws with the approval of the District Governor for securing good order in the village or quarter.

Rents Ordinance.—The Increase of Rents Ordinance is amended. The Governor of a District is empowered to form a Committee for fixing an increase of the rental in particular cases ; and the landlord is given power to recover the use of his property in a case not hitherto provided for, where he proves that he intends to carry out some reconstruction or rebuilding of the premises.

Surveyors.—The Surveyors Ordinance provides for the regulation of the profession of surveyors. No person can engage in the practice of a surveyor until he has obtained a licence from the Director of Surveys. The licence is given on proof that the applicant has passed an examination from an approved Institute or that he has passed an examination in Palestine. The Director of Surveys may cancel the licence, but the person whose licence is cancelled may appeal to the District Court.

Notaries Public.—An Ordinance was passed to provide for the licensing of Public Notaries for the purpose of authenticating foreign documents. The functions of Public Notaries in Palestine are normally exercised by the Chief Clerks of the District Courts ; but in order to provide for the exercise of the functions carried out by Public Notaries in the United Kingdom the Ordinance provides that advocates qualified to practise both in England and in Palestine may be licensed to exercise those functions.

Road Transport.—The Commission appointed by the High Commissioner on Municipalities recommended that the law in regard to the licensing and regulation of road transport should be revised and an amended scale of taxation should be introduced. The Ordinance which gives effect to these recommendations provides for the licensing of all motor transport and public vehicles by the police, for the grant of licences to keep such vehicles and to drive motor vehicles, the driving licence being given after a police test, for the registration of motor vehicles, for making regulations for the control of motor and horse traffic, for dealing with driving offences and for the endorsing and cancelling of licences. The fees payable on motor vehicles range from £E8 a year for commercial vehicles to £E20 for public cars seating over twelve persons.

Companies.—The Ottoman Law concerning trading companies was

altogether inadequate, consisting only of a few Articles in the Commercial Code and a few regulations about the formation of limited liability associations. The Companies Ordinance adopts the English Companies Consolidation Act, with some modification, as the Company Law of Palestine. Fuller control is given to the Government to regulate the issue of debentures than is prescribed in the English Statute. The provisions of the section dealing with the matter are that no debentures shall be issued by any Company save with the consent and approval of the Registrar of Companies, who before giving his consent can demand all such information as seems to him proper in respect of the affairs of the Company, and the terms and conditions of the proposed debentures, for the purpose of protecting the debenture holders and the creditors of the Company.

The Ordinance contains provisions for registering in Palestine Companies incorporated in foreign countries. On registration they enjoy all the powers of a corporate body.

Banks.—A special provision is made by the Banking Ordinance for the regulation of Banking Companies. No bank carrying on business in Palestine shall circulate any notes issued by it in any country other than notes which have been made legal tender in Palestine ; and the issue in Palestine of bank notes is prohibited. Every Banking Company is required to file each year a statement showing its assets and liabilities in Palestine and abroad, and to publish such statement in the Official Gazette. The Chief Justice, at the instance of the Registrar of Companies, is given power on the application of one-third of the shareholders to appoint inspectors to investigate the affairs of a Bank carrying on business in Palestine ; or he may on his own motion direct an investigation to be made into the affairs of a Banking Company of which the principal office is situate in Palestine.

Cinematographs.—A Public Notice concerning cinematograph entertainments provides that before any film is exhibited to the public, notice shall be given by the proprietor or lessee of the theatre to the Governor of the District, describing the film. The Governor has power to censor the film, which cannot be exhibited within two days of the delivery of the Notice without special permission.

The superior officials of the Police and Education Department are entitled to enter at any time on premises where a public cinematograph exhibition is being held. If they find that any film is being exhibited which is contrary to good morals and public order they can lay information before the local authority, which, after making inquiries, may forbid the exhibition of the film within the area. The exhibition of a film contrary to the provisions of the Notice is made a penal offence.

Pharmacists.—Public Health Ordinance (No. 4) regulates the exercise of the profession of pharmacist and the trade in drugs and poisons. The Department of Health may inspect any establishment or place dealing in or suspected of dealing in drugs and poisons ; and may confiscate any articles considered injurious to health or dangerous. No person can exercise the profession of pharmacist unless he holds a diploma in pharmacy of a School recognized by the Government and a licence to practise pharmacy granted by the Government. A licensed pharmacist must be in charge of each pharmacy. It is made illegal for a licensed pharmacist to engage in the practice of medicine or to prescribe treatment for any person.

Trade Marks.—Under the Military Administration provision was made for registration in Palestine of trade-marks already protected abroad. The Trade Marks Ordinance is a comprehensive measure which replaces the Ottoman Law of Trade Marks by provisions which are based on the English legislation but are simplified in many respects.

A Register of Trade Marks is established to be kept at the Law Courts, Jerusalem, and provision is made for application to register trade-marks, for opposition to such applications, for cancelling a registration, etc. Applications for cancellation and opposition to the registration of a trade-mark are made to the Court of Appeal. The provisions of the English Statute concerning the enforcement in Palestine of any international convention for the protection of industrial property are reproduced.

FOREIGN.

1. ARGENTINE REPUBLIC.

[*Contributed by* Dr. Escobar.]

Occupational Accidents.—Law No. 11,125 ratifies the Convention between the Argentine and Spain respecting compensation for occupational accidents met with by workers resident in either country.

Law No. 11,126 ratifies the Convention between the Argentine and Italy, the terms of which are identical with the Convention before mentioned.

Collisions at Sea.—Law No. 11,132 ratifies the Conventions concluded in Belgium, September 23, 1910, with regard to collisions at sea and salvage.

Leases.—Law No. 11,156 modifies the Civil Code relating to the leasing of houses, apartments and shops. It provides that where there is no contract in writing, the tenant can remain in occupation, in the case of a dwelling-house or apartment, for a period of one year and a half, and, in the case of a shop, for two years, provided always that the rent is paid during that period. It also provides that a landlord may give a tenant notice to quit if the tenant (*a*) fails to pay rent for two consecutive periods, (*b*) sub-leases the property without the consent of the landlord, (*c*) uses the property for any illegal purpose, and also (*d*) if the landlord improves his property.

Law No. 11,156 provides that where there is no contract in writing to the contrary the rent payable for a period of two years for houses, apartments and shops shall be the rent payable as at January 1, 1920.

Agricultural Land.—Law No. 11,170 relates to the leasing of agricultural lands of less than three hundred hectares, and provides several privileges for the farmer.

Penal Code.—Law No. 11,179 is a new Penal Code for the Argentine Republic, and, among its other reforms, abolishes the death penalty.

2. CHILE.

[*Contributed by* Señor A. Labatut.]

Law No. 3771 of January 6 fixes the staff and salaries of the Central Office of Statistics.

Law No. 3725 fixes the services and staff of the General Board of Internal Taxes.

Law No. 3768 of May 14 approves the expenses of the nation for 1921 and authorizes the collection of an additional property tax.

Law No. 3771 of June 25 authorizes the erection in Santiago of a monument to Bartolomé Mitre.

Law No. 3772 of July 15 authorizes the placing of a loan for 25 million gold dollars and 50 million paper, the gold bonds to enable holders to retire banknotes under the laws of May 11, 1912, and May 22, 1918, and in that case to pay interest at 6 per cent. on the sums to be retired.

Law No. 3174 of July 22 suspends part of the law of April 30, grants a bonus on their salaries to the staff of the establishments of higher, secondary, commercial and special education, public libraries and the reformatory school, viz. 30 per cent. to the teaching and 15 per cent. to the administrative staff.

Law No. 3779 of September 12 approves a treaty of friendship and peace with the kingdom of Sweden.

Law No. 3790 authorizes the issue of bonds for 3 millions of pesos (dollars) for paying for the irrigation works constructed in the province of Tacna.

Law No. 3795 of September 13 authorizes the Government to advance money to such nitrate producers as promise to keep their works going.

Law No. 3632 of October 5 approves the Convention of the traffic in arms and munitions made at St. Germain.

Law No. 3810 of November 24 declares December 12, the anniversary of the discovery of America, to be a public holiday.

Law No. 3812 of December 12 allocates 5 million pesos for transport of workmen dismissed by reason of the paralysation of the nitrate works.

Law No. 3815 organizes the body of prison warders.

Law No. 3814 of November 30 authorizes the expenditure of 5,800,000 pesos in works to extend the canalization of the Mapocho River.

Law No. 3820 of December 23 authorizes a loan for 80 million pesos current money and £1,500 gold.

Law No. 3824 of December 28 permits the Army headquarters to reside in the place of the meetings of the National Congress.

Law No. 3825 fixes the number of the land and sea armed forces for 1922.

3. FRANCE.

[*Contributed by* O. E. Bodington, Esq.]

French legislation during the year 1921 cannot be said to contain any measures of very general extent or importance. The Legislature has been chiefly employed in a gradual abatement of War legislation and a return to normal legislative conditions. The following are the principal measures of this year.

Frozen Meat.—By a decree which, although dated November 19, 1920, belongs in the main as regards its operation to the year 1921, importation of congealed meats is subordinated to a permit delivered by the Minister of Finance. Requests for importation must show the nature and category of the meat to be imported, the origin and date of killing, the weight, the name of the ports of shipping and delivery in France and the maximum price c.i.f. or in bond at which the goods will be offered or sold in France. Provision is also made for a maximum wholesale price which is to form the basis of the maximum retail price to be fixed in each department by the Prefect. Owners of refrigerating warehouses of a capacity exceeding 500 cubic metres must make fortnightly returns to the Under Secretary of State for Food of all the stocks existing in their establishment.

Alsace-Lorraine.—The statutes relating to the modified status of Alsace-Lorraine are very numerous. The most important is the decree of November 30, 1920, promulgating the convention between France and Germany as regards jurisdictions, procedure and administration of justice in the ceded territory. Its chief provisions are the following :

1. All actions, other than those relating to realty, brought before the Civil jurisdictions of Alsace-Lorraine before November 30, 1918, when the parties are German and domiciled or resident permanently on German territory, as defined by the Treaty of Peace, are referred to German jurisdictions. The same is the case when all the parties being German one or more of them reside in France or abroad, in case the latter request the French Court to decline jurisdiction.

In particular all actions are to be referred to the German jurisdictions which were brought before November 30, 1918, by a German plaintiff against the German Imperial Treasury or against the Treasury of one of the German territories, unless by virtue of the Treaty of Peace or other agreement France has taken over the obligations of the State in question.

2. All cases of guardianship and curatorship, settlement of estates of deceased persons and generally all non-contentious business, with certain unimportant exceptions, actually pending before the Courts of Alsace-Lorraine or the settlement of which is referred to Alsatian or Lorraine Notaries, are to be referred to German Courts where the interested parties are all German and not admitted by the Treaty of Peace to claim French nationality and have their domicile or their permanent residence within the frontiers of the German Empire as they are defined by the Treaty of Peace.

3. French Courts in Alsace-Lorraine may hand over to German Courts criminal cases instituted before November 30, 1918, against German subjects who have not recovered French nationality by virtue of the Treaty of Peace and who are to be found within the frontiers of the German Empire as defined by that Treaty. Germans who have not been sentenced before November 30, 1918, before the Courts of Alsace-Lorraine and who are at present detained in the prisons of Alsace-Lorraine shall be delivered to the competent German Authorities, with the exception of those who have re-acquired French nationality or who have claimed it under the Treaty. Reciprocally as regards French subjects or individuals who have claimed French nationality under the provisions of the Treaty as regards sentences pronounced before November 30, 1918, by the Courts of Alsace-Lorraine, where these individuals are detained in German prisons.

Fine Arts.—A decree of November 17, 1920, lays down the conditions in which an artist can exercise a lien on the public sale of his work established by the law of May 20, 1920, and referred to in the Review of French Legislation of last year.[1] He must make a declaration in the *Journal Officiel* and send a duplicate of the declaration to the Minister of Fine Arts. The declaration can also be made by the personal representatives of the artist. The declaration must contain the distinctive characteristics of the work so that it can be properly identified. In default of such declaration the interested parties when the work is about to be presented for sale must notify the public officer or auctioneer conducting the sale at latest within twenty-four hours after the sale, requesting that he deduct the statutory amounts to which the artist is entitled under the above-quoted law. As from the date of the insertion in the *Journal Officiel* of the declaration above mentioned identifying the work, the auctioneer or public officer who proceeds to the sale must make the deduction himself upon his own responsibility. The funds so deducted are delivered to the interested parties three days after the sale. If he has no news from the artist or his personal representatives within three months of the sale he is permitted to pay over the deductions to the vendor and is discharged.

Witnesses.—Conduct Money.—A decree of December 27, 1920, provides a scale of remuneration for journeys, experts' expenses and conduct money of witnesses in civil actions.

Municipal Piano and Servant Tax.—A law of December 29, 1920, creates a very unusual precedent in regard to fiscal legislation, for it authorizes the City of Paris to collect a tax on servants and pianos retrospectively, that is to say for the year 1920. The tax is for female servants 40 francs for the first servant, 80 francs for the second, 120 francs for the third, 160 francs for the fourth, 200 francs for the fifth and so on in arithmetical progression. The tariff is double for male servants. Persons who are over seventy years old or infirm or ill or have charge of two children of less than sixteen years, or infirm or aged relatives and who have only one servant, are exempt from the tax. The law also establishes a tax of 100 francs for each tutor or governess employed. The operation of the law is stated to be for three years only.

Customs.—A decree of January 4, 1921, to a slight extent mitigates the rigour of Customs legislation by a regulation of the right of compromise in Customs cases and makes such compromise possible even in cases of erroneous declarations made of kind, quality, classification or origin, but only where the duty does not exceed 1,500 francs. It may be permissible to express the hope that the operation of this decree may be extended, for the classification of French Customs has now become a matter of such intricacy that it is quite an easy matter not only for ordinary individuals but even for experts to make honest mistakes as regards declarations of this kind.

Amnesty.—Law of April 29, 1921. This is a law of very wide operation and contains special provisions in regard to soldiers and sailors.

Canada.—Decree of March 12, 1921. Approves the commercial arrangement signed between France and Canada on January 29, 1921. Canada in particular grants to France the treatment of the most favoured nation with the exception of the United Kingdom and British Dominions and Possessions, thus preserving the principle of Imperial preference.

[1] See *Review of Legislation*, August 1922, p. 189.

"**Association en Participation.**"—The law of June 24, 1921, modifies certain articles of the Code of Commerce with a view to regulating the nature and method of formation of this kind of private Association, the exact equivalent of which hardly exists in English law.

Importation of Brandies and Foreign Liquors.—Decree of June 23, 1921. Up to this date prohibition of foreign spirits and alcohol had been absolute. This decree permits derogations from this interdiction under conditions to be determined by the Minister of Finance.

Code of the Road.—A Decree of May 27, 1921. This purports to be a complete code as regards road locomotion both in respect of animal traction, motor traction, public transport services, bicycles, foot-passengers, and deals with lighting, number plates, driving speed, meeting and crossing, cross roads, parking, driving licences, brakes, flocks of animals, pasturage and almost every possible incident of these various kinds of locomotion.

University Degrees.—By a decree of February 15, 1921, certain Foreign University diplomas in law, science and arts may be accepted as the equivalents of those degrees in French Universities, with a view to the candidate proceeding directly to the examinations for the degree of Doctor.

Adulteration.—Decree of July 4, 1921. This is a very complete document providing for a more exact application of a law of 1905 for the detection of adulteration in medical or hygienic substances and products.

Railways.—Law of October 29, 1921. This establishes the new railway régime in France. One of its salient provisions is that for each railway system there shall be formed a commercial co-operative society for the personnel of the line. The chief characteristic of the law is that although there is no re-grouping of the various systems there is a common organization in the shape of a Superior Council of Railways and a Committee of Management, the duties and the conditions of working of which are determined by the law. A common fund is also established.

4. HOLLAND.

[*Contributed by* Dr. C. Torley Duwel.]

Commercial Law.—Act of July 5, 1921 (Gazette No. 842), prohibits the use of a trade name other than that to which one is entitled.

League of Nations.—Act of June 30, 1921 (Gazette No. 826), approves the Protocol drawn up in conformity with the decree of the meeting of the League of Nations, December 13, 1920, relative to the Statute of the Permanent Court of International Justice.

Sick Nursing.—Act of May 2, 1921 (Gazette No. 702), prescribes the qualifications necessary for the certification of nurses, and the examinations to be passed.

Civil Law.—Act of April 29, 1921 (Gazette No. 696), extends the jurisdiction of Dutch judges in the matter of divorce.

Insurance Law.—Act of April 29, 1921 (Gazette No. 695), provides for the supervision of insurance companies which appear to be unable to meet their obligations in the future, and for their liquidation.

Criminal Law.—Act of July 1921 (Gazette No. 833) simplifies the procedure for the Justice of the Peace, and provides for the institution of a Chamber of the Court of Justice consisting of one member.

Act of July 5, 1921, provides that in the Courts of Justice chambers consisting of one member shall be formed for dealing with civil cases of children, and also provides for the placing of infants under supervision and the appointment of "supervisors of child and home."

Act of July 5, 1921 (Gazette No. 841), modifies the Military Penal Code and the Military Discipline Law.

5. ITALY.

[*Contributed by* PROFESSOR MARIO SARFATTI, *University of Turin.*]

The legislation of 1921 was still under the influence of the war, some of the decrees governing circumstances which were its direct outcome and others indirect consequences arising therefrom: among the first are notably those relating to invalids, orphans and men fallen in the war; among the latter, those with regard to the leasing of houses and the financial relations with ex-enemy subjects. One can see, however, a steady, general adjustment, preparatory to a more organic legislation, foreshadowing a definite financial and political settlement of the country.

Agriculture.—Law No. 600 of April 3 encourages the cultivation of fruit by subsidies, and Ministerial Decree of February 21 regulates the importation of plants, seeds and vegetable products from foreign countries. Royal Decree No. 1048 of November 19 approves the consolidated Act on agrarian loans.

Business Abroad.—Royal Decree No. 1835 of November 24 provides for the prior authorization of the government before a citizen may hand over to foreigners any factory or financial interest, purchased abroad, and prescribes that the King's government be given priority of purchase.

Citizenship.—Royal Decree No. 1890 of December 30, 1920, regulates the acknowledgment and the option of citizenship in the annexed territories; and by Royal Decree No. 1188 of August 31 accords to foreigners the declaration of citizenship suspended during the war.

Consulates.—Royal Decree No. 1927 of September 30, 1920, provides for reciprocity in consular tariffs.

Crown Estates.—Royal Decree No. 471 of March 24 modifies the rules relating to the cession of the Crown lands to the State.[1]

Duty on Wine.—Royal Decree No. 975 of July 17 approves the regulations whereby a duty on wine is fixed at 30 lire a hectolitre (22 gall.).

Exports and Imports.—Ministerial Decree of December 30, 1920, limits the prohibitions; and Ministerial Decree of February 19 makes compulsory the surrender to the State of the proceeds arising from the exportation of silk tissue; Ministerial Decree of June 28th makes obligatory the declaration of the value of goods passing the frontier.

Exchange.—Royal Decree No. 8 of January 24 prorogates the functions of the National Inst. with regard to the exchange with foreign countries, instituted by D. Luog. No. 1956 of December 11, 1917; and by Royal Decree No. 737 of June 1, freedom of exchange is re-established.

Food Prices.—A series of regulations tend to remove restrictions on the prices of certain commodities.

[1] See *Review of Legislation*, July 1921, p. 173.

Housing.—Royal Decree No. 1561 of November 8 prorogates the leasing of houses, contemplated in Decree No. 477 of April 18, 1920.

Workmen's Dwelling Houses.—A series of regulations facilitate the construction of these; and Law No. 463 of April 7 facilitates building loans; by Ministerial Decree of June 29th building materials are exempted from duty.

Insurance.—A series of decrees modify the existing laws: Law No. 296 of March 20 amends the Law of January 31, 1904, relating to occupational accidents, substituting for art. 2 the following: "Any person who, under the same conditions and without participating substantially in the actual work, superintends the work of others, provided that his regular wages are fixed at not more than 20 lire a day, and paid at intervals not exceeding one month"; art. 2 also modifies the indemnity tables; Law No. 297 of March 20 modifies in a similar manner No. 1450 of August 23, 1917, respecting accidents in agricultural work; Royal Decree No. 1366 of October 2 modifies the regulations relating to occupational accidents (May 13, 1904, No. 141); Royal Decree No. 1367 of October 2 modifies the regulations (November 21, 1918, No. 1899) relating to insurance against accidents in agricultural work.

New Provinces.—There is a notable group of resolutions regarding the extension to the new provinces of Acts in force in Italy.

Pharmacopœia.—Royal Decree No. 188 of February 13 provides for the drawing up of a homœopathic pharmacopœia.

Public Works.—Various decrees authorize the execution of public works: Law No. 488 of April 14, Law No. 596 of April 21, Royal Decree No. 1704 of November 19.

Post and Telegraph.—The inland tariffs are modified by Royal Decree No. 44 of January 25, and those for abroad by Royal Decree No. 45 of January 27.

Radiotelegraphy and Radiotelephony.—Royal Decree No. 255 of February 20 modifies the decree which prohibited concessions.

Railways.—The following are a series of new regulations: Royal Decree No. 1785 of November 24 facilitates travelling for persons on international service; Royal Decree No. 1585 of November 12 approves the new terms and tariffs for transport of goods on the State railways; Royal Decree No. 1857 of December 15 prohibits the increase of price of Sunday travelling; Law No. 1074 of August 11 authorizes the free transport of the remains of the fallen in the war.

War.—Law No. 1312 of August 31 makes obligatory the employment of a certain number of war invalids, in public and private establishments; Circ. Min. Giust. February 15 regulates assistance to war orphans; Royal Decree No. 447 of March 24 prescribes an honour badge for war orphans; Royal Decree No. 1731 of November 9 regulates the presumption of the death of soldiers in war; Royal Decree No. 139 of March 27 regulates the application of the law regarding the devolution of war profits to the State; Royal Decree No. 1918 of December 16, 1920, institutes the commemorative medal of the "great war for civilization."

Waterworks.—A series of decrees facilitate the utilization of water, Ministerial Decree of April 21 giving instructions for the construction of dykes for reservoirs and artificial lakes, and Law No. 541 of April 14 making rules for loans for hydraulic works.

Weapons.—Royal Decree No. 1320 of October 2 prohibits the possession and the illegal carrying of arms.

Treaties of Peace.—Royal Decree No. 1840 of November 7, 1920, renounces the confiscation of small German properties; Royal Decree No. 1871 of December 16, 1920, establishes an office for verification of enemy debts; Royal Decree No. 1915 of December 16, 1920, was enacted to facilitate the recovery of credits of Austrian debtors; Ministerial Decree of December 31, 1920, provides for the release of small German properties; Ministerial Decree of February 4 provides for the publication of credits and debts pertaining to Austrian subjects; and that of May 31 of those pertaining to Austrian citizens, the limits of which are prorogated with regard to the aforesaid publications by Ministerial Decree of July 1; Royal Decree No. 470 of April 10 provides for the devolution to the State demesne of the properties of German and Austrian subjects; Royal Decree No. 1731 of July 21 provides for the suspension of judicial actions for the exaction of credits in Austria.

Companies.—Royal Decree No. 1861 of December 28 brings again into force the repealed Section 887 of the Commercial Code, relating to limited companies, with a capital of not less than five million lire, provided they can justify cessation of payment.

6. UNITED STATES OF AMERICA.

[*Contributed by* VALENTINE WORTHINGTON, ESQ., *Member of the American Bar.*]

The Report of the Committee of the American Bar Association on Noteworthy Changes in Statute Law during 1920 and part of 1921 remarks, as one of the most striking features of recent enactments, the absence of any large amount of "reconstruction" legislation. Since the Armistice down to the end of 1921, there is little to be found in the Statute books of novel regulation of the relation of employer and employee, or of legislative attempts to improve the public welfare by statute. It is said that the tendency seems to be the other way, and that extraordinary war legislation is now recognized as by no means typical of or justification for similar governmental supervision in times of peace.[1]

FEDERAL LEGISLATION.

Attention may be called to the following Acts and joint resolutions of Congress, passed by the 66th Congress between January 1 and March 4, 1921, and by the 67th Congress between April 18 and December 31, 1921:

War Finance Corporation.—By a joint resolution of January 4, 1921, passed over the President's veto, it was directed that the activities of the War Finance Corporation be revived, and that said corporation be at once rehabilitated with a view to assist in financing the exportation of agricultural and other products to foreign markets.

Seditious or Disloyal Acts, etc.—By a joint resolution of March 3, 1921, a provision of a former Act of 1917, since amended, was restored with its original force and effect. It provides that whoever, when the United States is at war, shall wilfully make or convey false reports or false statements with intent to interfere with the operation or success

[1] *Reports of American Bar Association*, vol. xlvi, 1921, p. 398.

of the military or naval forces of the United States or to promote the success of its enemies, and whoever, while the United States is at war, shall wilfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall wilfully obstruct the recruiting service of the United States to the injury of the service of the United States, shall be punished by a fine of not more than ten thousand dollars, or imprisonment for not more than twenty years, or both.

Immigration.—As a temporary measure, to continue in force until June 30, 1922, Congress, by Act of May 19, 1921, limited the number of aliens of any nationality who may be admitted to the United States in any fiscal year to 3 per centum of the number of foreign-born persons of such nationality resident in the United States as determined by the United States census of 1910. This provision does not apply to the following, among others: aliens in continuous transit through the United States; aliens visiting the United States as tourists or temporarily for business or pleasure.

National Budget and Audit.—The Budget and Accounting Act (Act of June 10, 1921) provides for a national budget system, and an independent audit of Government accounts. By the terms of the Act, the President shall transmit to Congress on the first day of each regular session the Budget, setting forth, *inter alia*, estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; his estimates of the receipts of the Government during the ensuing fiscal year, under existing laws, and under the revenue proposals, if any, contained in the budget; the expenditures and receipts of the Government during the last completed fiscal year; the amount of appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the current fiscal year; statements and estimates of the condition of the Treasury as of certain dates; all essential facts regarding the bonded and other indebtedness of the Government; and such other financial statements as in his opinion are necessary or desirable in order to make known the financial condition of the Government. The President may make recommendations to Congress for new taxes, loans, or other appropriate action to meet estimated deficiencies, and may from time to time transmit to Congress supplemental or deficiency estimates. A new Bureau is created in the Treasury Department to be known as the Bureau of the Budget, with a Director and Assistant Director to be appointed by the President. The Bureau, under regulations prescribed by the President, shall prepare the Budget, and any supplemental or deficiency estimates.

The Act creates a new establishment of the Government to be known as the General Accounting Office. This office is made independent of the executive departments and is placed under the control and direction of a new officer of the Government, the Comptroller-General of the United States. The existing offices of Comptroller of the Treasury and of the six auditors are abolished, and all officers, employees, books, records, papers, etc., thereof are transferred to the General Accounting Office. The Comptroller-General of the United States and an Assistant Comptroller-General are to be appointed by the President, and shall hold office for fifteen years, with certain exceptions. Among other duties, the Comptroller-General shall investigate all matters relating to

the receipt, disbursement, and application of public funds, and shall make to the President and to Congress periodical reports of the work of the General Accounting Office, containing, *inter alia*, such matters relating to the receipt, disbursement, and application of public funds as the Comptroller may think advisable, with recommendations looking to greater economy or efficiency in public expenditures. The Comptroller-General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law. Every department and establishment must furnish to the Comptroller such information regarding its activities, financial transactions, and method of business as he shall require, and the Comptroller-General shall, for this purpose, have access to the books and records of any such department or establishment.

National Prohibition.—An Act of November 23, 1921, provides that any officer, agent, or employee of the United States engaged in the enforcement of the National Prohibition Act, who shall search any private dwelling as defined in the National Prohibition Act, and occupied as such dwelling, without a warrant directing such search, shall be guilty of a misdemeanour, and upon conviction shall be subject to heavy penalties.

The same Act provides that it and the National Prohibition Act shall apply not only to the United States but to all territory subject to its jurisdiction. As originally enacted in 1919 the National Prohibition Act did not in terms define its territorial field.

Income Tax. — The Revenue Act of 1921, which became law on November 23, 1921 (effective, for the most part, as of January 1, 1921), repeals the Revenue Act of 1918, and contains a number of new provisions. One of these is embodied in Section 206 of the Act of 1921. This section applies only to sales or exchanges of capital assets consummated after December 31, 1921, and provides that any taxpayer other than a corporation may, if he so desires, state separately in his return his net gain on sales and exchanges of capital assets and pay on such capital net gain (as defined and limited in the section) a flat tax of 12½ per cent. in lieu of the normal tax and surtax upon such income which he would otherwise have to pay under other provisions of the Act.

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Printed in Great Britain by Hazell, Watson & Viney, Ld., London and Aylesbury.

BIBL. LONDIN. UNIV.

BIBL. LONDIN. UNIV.

THE JOURNAL OF COMPARATIVE LEGISLATION AND INTERNATIONAL LAW

THIRD SERIES—Vol. V., Part I.

Six Shillings. February 1923